

## CONSTITUTION OF THE REPUBLIC OF TURKEY

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### BEGINNING

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This Constitution, which determines the eternal existence of the Turkish Homeland and Nation and the indivisible integrity of the Supreme Turkish State, is the founder of the Turkish Republic, immortal leader and unique hero.

In line with Atatürk's understanding of nationalism and his reforms and principles;

As an honorable member of the family of world nations with equal rights, in the direction of the eternal existence, prosperity, material and spiritual happiness of the Republic of Turkey and its determination to reach the level of modern civilization;

The absolute superiority of the will of the nation, the sovereignty unconditionally belongs to the Turkish Nation, and no person or organization authorized to use it on behalf of the nation can go beyond the liberal democracy set forth in this Constitution and the legal order determined by its necessities;

The separation of powers does not mean the order of superiority among the organs of the State.

There is a civilized division of labor and cooperation, which is limited to the use of state powers and duties, and that superiority is found only in the Constitution and laws;

No activity can be protected against Turkish national interests, Turkish existence, the principle of indivisibility with its State and country, the historical and spiritual values of Turkishness, Atatürk's nationalism, principles and reforms and civilizationism, and that sacred religious feelings cannot be mixed into State affairs and politics as a requirement of the principle of secularism;

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- This Constitution was adopted by the Constituent Assembly to be submitted to the referendum on 18/10/1982 and was published in the Official Gazette dated 20/10/1982 and numbered 17844; After being submitted to the referendum on 7/11/1982, it was republished in the Official Gazette dated 9/11/1982 and numbered 17863 repeated.

<sup>2</sup> The Constitutional amendments made with Law No. 3361 dated 17/5/1987 were accepted as a result of the referendum held on 6/9/1987 and the Supreme Election Board Decision No. 398 dated 9/9/1987 and numbered 19572, dated 12/9/1987. It was published in the Official Gazette.

<sup>3</sup> The Constitutional amendments made with the Law No. 5982 dated 7/5/2010 were submitted to the referendum on 12/9/2010 and accepted. It was published in the Gazette.

<sup>4</sup> The Constitutional amendments made with the Law No. 6771 dated 21/1/2017 were submitted to the referendum on 16/4/2017 and accepted, the Supreme Election Board Decision dated 27/4/2017 and numbered 663, dated 27/4/2017 and numbered 30050. It was published in the Official Gazette.

<sup>5</sup> The initial text of the Constitution was amended by Article 1 of the Law No. 4121 dated 23/7/1995.

<sup>6</sup> With the 1st article of the Law No. 4709 dated 3/10/2001, the "No thoughts and The phrase "consideration" has been changed to "No action".

Every Turkish citizen has the inherent right and authority to live a dignified life within the national culture, civilization and legal order and to develop his material and spiritual existence in this direction by benefiting from the fundamental rights and freedoms in this Constitution, in accordance with the requirements of equality and social justice;

With the feelings of absolute respect for each other's rights and freedoms, mutual sincere love and brotherhood, in which Turkish citizens are partners in national pride and pride, national joys and sorrows, rights and duties towards national existence, blessings and burdens, and all kinds of manifestations of national life, and  
They have the right to demand a peaceful life in the desire and belief of "Peace at home, peace in the world";

To be understood with IDEAS, FAITH AND DECISION, to be interpreted and applied with absolute loyalty and respect to his word and spirit in this direction.

BY THE TURKISH NATION, it is entrusted and entrusted to the love of homeland and nation of Turkish children in love with democracy.

## **PART ONE**

### **GENERAL PRINCIPLES**

#### *I. Form of state*

**Article 1** – The State of Turkey is a Republic.

#### *II. Characteristics of the Republic*

**Article 2** – The Republic of Turkey is a democratic, secular and social state of law, in the peace of the society, in the understanding of national solidarity and justice, respectful of human rights, loyal to Atatürk's nationalism, based on the basic principles stated at the beginning.

#### *III. Integrity of the State, Official language, flag, national anthem and capital Article*

**3** – The State of Turkey, with its territory and nation, is an indivisible whole. Its language is Turkish.

Its flag is a red flag with a white crescent and a star, the shape of which is specified in the law.

The national anthem is the "National Anthem".

The capital city is Ankara.

#### *IV. Provisions that cannot be changed*

**Article 4** – The provision in Article 1 of the Constitution stating that the form of the State is a Republic, and the qualifications of the Republic in Article 2 and the provisions of Article 3 cannot be changed and cannot be proposed to be changed.

*V. The main aims and duties of the state*

**Article 5** – The main purposes and duties of the state are to protect the independence and integrity of the Turkish nation, the indivisibility of the country, the Republic and democracy, and to ensure the welfare, peace and happiness of individuals and society; It is to try to remove the political, economic and social obstacles that limit the fundamental rights and freedoms of the person in a way that is incompatible with the social state of law and the principles of justice, and to prepare the necessary conditions for the development of the material and spiritual existence of the human being.

*VI. Sovereignty*

**Article 6** – Sovereignty belongs to the Nation unconditionally.

The Turkish Nation exercises its sovereignty through its authorized organs in accordance with the principles laid down by the Constitution.

The exercise of sovereignty cannot be left to any person, group or class under any circumstances. No

No person or organ can use the power of a State that does not derive its source from the Constitution.

*VII. legislative power*

**Article 7** – The legislative power belongs to the Turkish Grand National Assembly on behalf of the Turkish Nation. This authority not transferable.

*VIII. Executive power and duty*

**Article 8** – The executive power and duty are assigned by the President (...)7 to the Constitution and used and fulfilled in accordance with the law.

*IX. Jurisdiction Article*

**9** – Jurisdiction is exercised by independent and impartial courts on behalf of the Turkish Nation.

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*X. Equality before the law*

**Article 10** – Everyone is equal before the law without any discrimination based on language, race, color, gender, political opinion, philosophical belief, religion, sect and similar reasons.

**(Additional paragraph: 7/5/2004-5170/1 art.)** Women and men have equal rights. The state is responsible for ensuring that this equality is realized. **(Additional sentence: 7/5/2010-5982/1 art.)** Measures to be taken for this purpose cannot be interpreted as contrary to the principle of equality.

**(Additional paragraph: 7/5/2010-5982/1 art.)** Children, the elderly, the disabled, widows of war and duty martyrs  
The measures to be taken for the orphans and the disabled and veterans shall not be considered contrary to the principle of equality.

No one person, family, group or class shall be granted privilege.

State organs and administrative authorities are obliged to act in accordance with the principle of equality before the law (...)9 in all their transactions.

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<sup>7</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "and the Council of Ministers" in this paragraph has been removed from the text of the article.

<sup>8</sup> With the 1st article of the Law No. 6771 dated 21/1/2017, the phrase "independent" in this paragraph is removed. The phrase "and neutral" has been added to come after it.

*XI. The binding and supremacy of the Constitution*

**Article 11** – The provisions of the Constitution govern the legislative, executive and judicial organs, administrative authorities and are the basic legal rules that bind other organizations and individuals.

Laws cannot be contrary to the Constitution.

**PART TWO**

**FUNDAMENTAL RIGHTS AND DUTIES**

**FIRST PART**

***General provisions***

*I. The nature of fundamental rights and freedoms*

**Article 12** – Everyone has the right and freedom of choice, inviolable, inalienable, and inalienable.  
have freedoms.

Fundamental rights and freedoms also include the duties and responsibilities of a person towards society, his family and other people.

*II. Limitation of fundamental rights and freedoms*

**Article 13 – (Amended: 3/10/2001-4709/2 art.)**

Fundamental rights and freedoms can only be limited by law, without affecting their essence, only depending on the reasons specified in the relevant articles of the Constitution. These restrictions cannot be contrary to the word and spirit of the Constitution, the requirements of the democratic social order and the secular Republic, and the principle of proportionality.

*III. Failure to abuse fundamental rights and freedoms*

**Article 14 – (Amended: 3/10/2001-4709/3 art.)**

None of the rights and freedoms enshrined in the Constitution can be used in the form of activities aimed at disrupting the indivisible integrity of the State with its territory and nation and abolishing the democratic and secular Republic based on human rights.

None of the provisions of the Constitution can be interpreted in a way that makes it possible for the State or individuals to carry out an activity aimed at destroying the fundamental rights and freedoms recognized by the Constitution or restricting them more broadly than specified in the Constitution.

Sanctions to be applied to those who act contrary to these provisions are determined by law.  
is arranged.

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<sup>9</sup> *With the 1st article of the Law No. 5735 dated 9/2/2008, the phrase "and in the utilization of all kinds of public services" has been added to this paragraph after the phrase "in all transactions". Then this phrase; It was annulled by the Decision of the Constitutional Court dated 5/6/2008 and numbered E.: 2008/16, K.: 2008/116.*

#### *IV. Suspension of the use of fundamental rights and freedoms*

**Article 15** – In cases of war, mobilization (...) <sup>10</sup> or in cases of emergency, the exercise of fundamental rights and freedoms may be partially or completely suspended or measures contrary to the guarantees envisaged in the Constitution may be taken for them, to the extent required by the situation, provided that obligations arising from international law are not violated.

In the cases specified in the first paragraph, except for deaths caused by acts in accordance with the laws of war (...) <sup>11</sup>, the person's right to life and the integrity of his material and spiritual existence cannot be touched; no one can be compelled to reveal their religion, conscience, thoughts and convictions and cannot be accused of them; crimes and punishments cannot be carried out retroactively; No one can be considered guilty until his guilt is determined by a court decision.

#### *V. The situation of foreigners*

**Article 16** – Fundamental rights and freedoms for foreigners in accordance with international law may be limited by law.

## **SECOND PART**

### ***Person's Rights and Duties***

#### *I. Immunity, material and spiritual existence of the person*

**Article 17** – Everyone has the right to live, to protect and develop their material and spiritual existence.

Except for medical obligations and the cases written in the law, the body integrity of the person cannot be touched; cannot be subjected to scientific and medical experiments without his consent.

No one can be tortured or tortured; No one shall be subjected to a punishment or treatment incompatible with human dignity.

... \_ \_ acts are excluded from the provision of the first paragraph.

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<sup>10</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "martial law" in this paragraph has been removed from the text of the article.

<sup>11</sup> With Article 2 of the Law No. 5170 dated 7/5/2004, the phrase "execution of death sentences with" in this paragraph has been removed from the text of the article.

<sup>12</sup> With the 3rd article of the Law No. 5170 dated 7/5/2004, at the beginning of this paragraph,

In case of execution of the death sentences given, the phrase "in the case of execution" has been removed from the text of the article.

<sup>13</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "martial law" in this paragraph has been removed from the text of the article.

## *II. Forced labor ban*

**Article 18** – No one can be forced to work. Engagement is prohibited.

Employment within the period of conviction or detention, the form and conditions of which are to be regulated by law; services to be requested from citizens in cases of emergency; Physical and intellectual work, which is a civic duty stipulated in the fields required by the country's needs, is not considered forced labor.

## *III. Personal freedom and security*

**Article 19** – Everyone has personal liberty and security. The form and terms shown in the law:

Fulfillment of freedom-restricting penalties and security measures given by the courts; the arrest or detention of the person concerned as a result of a court order or an obligation prescribed by law; the execution of a decision to rehabilitate a minor or bring him before the competent authority; fulfillment of the measure taken in accordance with the principles specified in the law for the treatment, education or rehabilitation of a mentally ill person who poses a danger to society, a drug or alcohol addict, a vagrant or a person who can spread disease; the arrest or detention of a person who illegally wants to enter or enters the country, or for whom a deportation or extradition decision has been made; No one shall be deprived of his liberty except

Persons with strong indications of their guilt can only be detained by a judge's decision in order to prevent their escape, destruction or alteration of evidence, or in other cases that make detention mandatory and are prescribed by law. Arrest without a judge's decision can only be made in flagrante delicto or in cases where delay is inconvenient; The law specifies the conditions for this.

The arrested or detained persons shall be informed of the reasons for their arrest or detention and the allegations against them, probably in writing and, if this is not immediately possible, verbally, immediately, at the latest, until they are brought before a judge in case of collective crimes.

**(Amended first sentence: 3/10/2001-4709/4 art.)** A person who is caught or arrested is brought before a judge within forty-eight hours at the latest, and within maximum four days for crimes committed collectively, excluding the time required to be sent to the court closest to the place of detention. No one can be deprived of his liberty without a judge's decision after these periods have passed. These periods may be extended in cases of emergency (...)14 and war.

**(Amended paragraph: 3/10/2001-4709/4 art. )**

immediately reported.

Detainees have the right to be tried within a reasonable time and to be released pending investigation or prosecution. Release may be made under an assurance to ensure that the person concerned is present at the hearing during the trial or that the sentence is carried out.

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<sup>14</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "martial law" in this paragraph has been removed from the text of the article.

Regardless of the reason, the person whose freedom is restricted has the right to apply to a competent judicial authority in order to ensure that his/her situation is decided in a short time and that this restriction is unlawful and that he is immediately released.

**(Amended: 3/10/2001-4709/4 art.)** Persons subjected to a procedure other than these principles

The damage they have suffered shall be paid by the State in accordance with the general principles of compensation law.

#### *IV. Privacy and protection of private life*

##### *A. Privacy of private life*

**Article 20** – Everyone has the right to demand respect for his private and family life. Inviolable confidentiality of private life and family life. **(Repealed third sentence: 3/10/2001-4709/5 art.)**

**(Amended paragraph: 3/10/2001-4709/5 art.)** A judge's decision duly given depending on one or more of the reasons such as national security, public order, prevention of crime, protection of general health and public morals or protection of rights and freedoms of others. unless; unless there is a written order of the authority authorized by law in cases where delay is inconvenient due to these reasons; No one's clothes, private papers and belongings can be searched and

they cannot be seized. The decision of the competent authority is submitted to the approval of the judge in charge within twenty-four hours. The judge shall announce his decision within forty-eight hours from the seizure; otherwise, the confiscation automatically gets up.

**(Additional paragraph: 7/5/2010-5982/2 art.)** Everyone has the right to demand the protection of their personal data. This right; It also includes being informed about the personal data about the person, accessing these data, requesting their correction or deletion and learning whether they are used for their purposes. Personal data can only be processed in cases stipulated by law or with the explicit consent of the person. The principles and procedures regarding the protection of personal data are regulated by law.

##### *B. Immunity to domicile*

**Article 21 – (Amended: 3/10/2001-4709/6 art.)**

No one's home can be touched. Unless there is a judge's decision duly given for one or more of the reasons such as national security, public order, prevention of crime, protection of general health and morals or protection of the rights and freedoms of others; unless there is a written order of the authority authorized by law in cases where delay is inconvenient due to these reasons; No one's residence can be entered, searched or the property confiscated. The decision of the competent authority is submitted to the approval of the judge in charge within twenty-four hours. The judge shall announce his decision within forty-eight hours from the seizure; otherwise, the seizure is automatically lifted.

*C. Freedom of communication*

**Article 22 – (Amended: 3/10/2001-4709/7 art.)**

Everyone has the freedom of communication. Confidentiality of communication is essential.

Unless there is a judge's decision duly given for one or more of the reasons such as national security, public order, prevention of crime, protection of general health and morals or protection of the rights and freedoms of others; unless there is a written order of the authority authorized by law in cases where delay is inconvenient due to these reasons; communication cannot be blocked and its privacy cannot be touched. The decision of the competent authority is submitted to the approval of the judge in charge within twenty-four hours. The judge shall announce his decision within forty-eight hours; otherwise, the decision is automatically lifted.

The public institutions and organizations to which the exceptions will be applied are specified in the law.

*V. Freedom of residence and travel*

**Article 23 –** Everyone has the freedom of establishment and travel.

Freedom of settlement, preventing crime, ensuring social and economic development, healthy and to achieve orderly urbanization and protect public property;

Freedom of travel, crime investigation and prosecution and to prevent crime;

Its purposes may be limited by law.

**(Amended paragraph: 7/5/2010-5982/3 art.)** The freedom of the citizen to go abroad can only be defined as a crime. may be limited depending on the judge's decision due to the investigation or prosecution.

Citizens cannot be deported or deprived of their right to enter the country.

*VI. Freedom of religion and conscience*

**Article 24 –** Everyone has the freedom of conscience, religious belief and conviction.

Worship, religious rites and ceremonies are free provided that they do not contradict the provisions of Article 14.

No one is allowed to participate in worship, religious rites and ceremonies, or to express their religious beliefs and convictions. cannot be forced; cannot be condemned or blamed for their religious beliefs and convictions.

Religious and moral education and training is carried out under the supervision and control of the State. Religious culture and moral education are among the compulsory courses taught in primary and secondary schools. Apart from this, religious education and training depends only on the will of the individuals and the request of the legal representative of the minors.

No one can exploit and abuse religion or religious feelings or things considered sacred by religion, in any way, for the purpose of basing the social, economic, political or legal fundamental order of the State, even partially, on religious rules, or for political or personal gain or influence.

*VII. Freedom of thought and opinion*

**Article 25 –** Everyone has the freedom of thought and opinion.

No one can be compelled to express his thoughts and convictions for whatever reason and purpose; cannot be condemned or blamed for his opinions.



*VIII. Freedom of expression and dissemination of thought*

**Article 26** – Everyone has the right to express and disseminate their thoughts and opinions individually or collectively through speech, writing, pictures or other means. This freedom includes the freedom to receive or impart information or ideas without the interference of official authorities. The provision of this paragraph does not prevent broadcasts made by radio, television, cinema or similar means from being connected to the permission system.

The use of these freedoms, national security, public order, public security, the fundamental characteristics of the Republic and the protection of the indivisible integrity of the State with its territory and nation, the prevention of crimes, the punishment of criminals, the failure to disclose information duly designated as a state secret, the reputation or rights of others, their private and family life or may be limited to the purposes of protecting the professional secrets stipulated by the law or fulfilling the judicial duty in accordance with the requirements.

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**(Repealed clause: 3/10/2001-4709/9 art.)**

Regulatory provisions on the use of means of disseminating news and ideas, their  
It is not considered as a restriction on the freedom of expressing and disseminating thought, provided that it does not prevent its publication.

**(Additional paragraph: 3/10/2001-4709/9 art.)** In exercising the freedom of expression and dissemination of thought  
The form, conditions and procedures to be applied shall be regulated by law.

*IX. freedom of science and art*

**Article 27** – Everyone has the right to freely learn and teach, explain, disseminate and  
reserves the right to research in all fields.

The right to disseminate cannot be used to change the provisions of Articles 1, 2 and 3 of the Constitution.

The provision of this article does not prevent foreign publications from entering the country and their distribution from being regulated by law.

*X. Provisions on the press and publication*

*A. Freedom of the press*

**Article 28** – The press is free and cannot be censored. Establishing a printing house cannot be made conditional on obtaining permission and depositing financial guarantees.

**(Repealed second paragraph: 3/10/2001-4709/10 art.)**

The state shall take measures to ensure freedom of press and information.

The provisions of Articles 26 and 27 of the Constitution apply to the restriction of freedom of the press.

Those who write or print or print for the same purpose any news or article that threatens the internal and external security of the State, its indivisible integrity with its country and nation, or encourages committing a crime, uprising or rebellion, or is related to confidential information belonging to the State,

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<sup>15</sup> Pursuant to Article 9 of the Law No. 4709 dated 3/10/2001, after the phrase “The use of these freedoms”, “national security, public order, public security, the fundamental characteristics of the Republic and the protection of the indivisible integrity of the State with its territory and nation,” phrase has been added.

Those who give will be liable in accordance with the provisions of the law regarding these crimes. Distribution by precautionary decision; It can also be prevented by the order of the authority expressly authorized by law in cases where there is a risk in delay. The competent authority preventing the distribution shall notify the competent judge of its decision within twenty-four hours at the latest. If the authorized judge does not approve this decision within forty-eight hours at the latest, the decision to prevent distribution shall be null and void.

In order for the judicial office to be carried out in accordance with its purpose, within the limits to be determined by the law, without prejudice to the decisions given by the judge, a publication ban cannot be imposed on the events.

Periodicals or non-periodical publications, in cases where the investigation or prosecution of the crimes specified by the law has been initiated, by the decision of the judge; In cases where there is a danger in delaying the indivisible integrity of the state with its territory and nation, the protection of national security, public order, general morality and the prevention of crimes, it may be recalled by order of the authority expressly authorized by law. The competent authority that has ordered the seizure shall notify the competent judge of its decision within twenty-four hours at the latest; If the judge does not approve this decision within forty-eight hours at the latest, the seizure decision shall be deemed null and void.

General provisions apply to the seizure and confiscation of periodicals or non-periodicals for criminal investigation or prosecution.

Periodicals published in Turkey may be temporarily closed by a court decision in case of being convicted of publications contrary to the indivisible integrity of the State with its territory and nation, the basic principles of the Republic, national security and public morals. Any publication that is a clear continuation of the closed periodical is prohibited; they are collected by the decision of the judge.

#### *B. Periodical and non-periodical broadcasting rights*

**Article 29** – Periodical or non-periodical publication is subject to the condition of obtaining prior permission and depositing financial guarantee. cannot be connected.

In order to issue a periodical, it is sufficient to submit the information and documents indicated by the law to the competent authority specified in the law. If it is determined that these information and documents are against the law, the competent authority applies to the court to stop the broadcast.

Principles regarding the publication of periodicals, publication conditions, financial resources and journalism profession are regulated by law. The law cannot impose political, economic, financial and technical conditions that prevent or complicate the free publication of news, thoughts and opinions.

Periodicals are the tools and instruments of the State and other public legal entities or affiliated institutions. benefit from its opportunities on the basis of equality.

#### *C. Protection of the media*

##### **Article 30- (Amended: 7/5/2004-5170/4 art.)**

The printing house and its annexes and press vehicles established as a press business in accordance with the law, It cannot be seized, confiscated or prevented from operating on the grounds that it is a crime tool.

*D. The right to benefit from non-press mass media owned by public legal entities*

**Article 31** – Individuals and political parties have the right to benefit from non-press mass media and broadcasting tools owned by public legal entities. The conditions and procedures of this benefit are regulated by law.

**(Amended paragraph: 3/10/2001-4709/11 art.)** The law cannot impose any restrictions that prevent the public from receiving information, reaching ideas and opinions, and the free formation of public opinion, except for reasons of national security, public order, public morality and protection of health.

*E. Right of rectification and reply*

**Article 32** – Right of rectification and reply, but without prejudice to the dignity and honor of persons or in case of false publications about them, they are recognized and regulated by law.

If the correction and response is not published, the judge decides whether it should be published or not. The decision is made within seven days at the latest from the date of application of the person concerned.

*XI. Meeting rights and freedoms*

*A. Freedom of association*

**Article 33 – (Amended: 3/10/2001-4709/12 art.)**

Everyone is free to form associations, join or unsubscribe from associations without prior permission. has its freedom.

No one can be compelled to become a member of an association or to remain a member of the association.

Freedom of association can only be limited by law and for reasons of national security, public order, prevention of crime, protection of public health and morals and freedoms of others.

The form, conditions and procedures to be applied in the exercise of the freedom of association shall be specified in the law.

Associations can be closed or suspended from activity by a judge's decision in cases stipulated by the law. However, in cases where national security, public order, preventing the commission of a crime or the continuation of the crime, or if there is a problem in delay, an authority may be authorized by law to prohibit the association from operating. The decision of this authority is submitted to the approval of the judge in charge within twenty-four hours. The judge shall announce his decision within forty-eight hours; otherwise, this administrative decision is automatically annulled.

The provision of the first paragraph applies to members of the Armed Forces and law enforcement officers and their duties. does not prevent the imposition of restrictions on civil servants by law to the extent required.

The provisions of this article are also applicable to foundations.

*B. The right to organize meetings and demonstrations*

**Article 34 – (Amended: 3/10/2001-4709/13 art.)**

Everyone has the right to organize unarmed and peaceful meetings and demonstration marches without prior permission.

The right to assembly and demonstration may only be limited by law for the purposes of national security, public order, prevention of crime, protection of public health and morals or the rights and freedoms of others.

The form, conditions and procedures to be applied in exercising the right to organize meetings and demonstrations shall be specified in the law.

#### *XII. Freehold*

**Article 35** – Everyone has property and inheritance rights.

These rights can only be limited by law for the public interest.

The use of the right to property can not be contrary to public interest.

#### *XIII. Provisions on the protection of rights*

##### *A. Freedom to seek rights*

**Article 36** – Everyone can be brought before the judicial authorities by making use of legitimate means and means. has the right to claim and defense as a plaintiff or a defendant and to a fair trial.<sup>16</sup>

No court can not avoid looking at the case within its mandate and authority.

##### *B. Legal judge assurance*

**Article 37** – No one can be brought before an authority other than the court to which he is legally subject.

Extraordinary authorities with jurisdiction that result in bringing a person before an authority other than the court to which he is legally subject cannot be established.

##### *C. Principles regarding crimes and*

*punishments* **Article 38** – No one can be punished for an act that was not considered a crime by the law in force at the time it was committed; no one can be given a heavier penalty than the penalty for that crime in the law when he commits the crime.

The above paragraph also applies to the statute of limitations for crime and punishment and the consequences of a criminal conviction.

Penalties and security measures that replace punishment can only be put in place by law.

Until proven guilty in a court of law, no one can be considered guilty.

No one is allowed to make a statement incriminating himself or his relatives shown in the law or cannot be compelled to show evidence in this way.

**(Additional paragraph: 3/10/2001-4709/15 art.)** Findings obtained illegally cannot be accepted as evidence.

Criminal liability is personal.

**(Additional paragraph: 3/10/2001-4709/15 art.)** No one can be deprived of his freedom just because he cannot fulfill a contractual obligation.

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<sup>16</sup> With the 14th article of the Law No. 4709 dated 3/10/2001, after the phrase "defense" in this paragraph The phrase "fair trial with" has been added to come

**(Additional clause: 3/10/2001-4709/15 art.; Abolished clause: 7/5/2004-5170/5 art.)**

**(Amended tenth paragraph: 7/5/2004-5170/5 art.)** Death penalty and general confiscation cannot be given.

The administration cannot impose a sanction that results in the restriction of personal freedom. Exceptions to this provision may be made by law in terms of the internal order of the Armed Forces.

**(Amended last paragraph: 7/5/2004-5170/5 art.)** Being a party to the International Criminal Court  
Except for the obligations it requires, a citizen cannot be transferred to a foreign country for crime.

#### *XIV. right of proof*

**Article 39** – The accused has the right to prove the accuracy of the accusation in cases of defamation brought against those who are in public duty and service due to the accusations made in connection with the fulfillment of this duty and service. In other cases, the acceptance of the request for proof only depends on the public interest in understanding whether the alleged act is true or the complainant's consent to the proof.

#### *XV. Protection of fundamental rights and freedoms*

**Article 40** – Everyone whose rights and freedoms enshrined in the Constitution have been violated have the right to request the opportunity to apply to the competent authority without delay.

**(Additional paragraph: 3/10/2001-4709/16 art.)** The state determines which legal remedies and must state that he will apply to the authorities and the deadlines.

The damage suffered by the person as a result of unfair actions by official officials is also subject to the law.  
is compensated by the State. The right of recourse to the responsible official of the state is reserved.

### **THIRD PART**

#### ***Social and Economic Rights and Duties***

##### *I. Protection of the family and children's rights<sup>17</sup>*

**Article 41** – The family is the foundation of Turkish society and is based on equality between spouses. <sup>18</sup>

The state is responsible for the peace and welfare of the family, especially the protection of the mother and children, and the family.  
It takes the necessary measures to ensure the teaching and implementation of the planning and establishes the organization.

**(Additional paragraph: 7/5/2010-5982/4 art.)** Every child has the right to benefit from protection and care, to establish and maintain a personal and direct relationship with their parents, unless it is clearly contrary to their best interests.

**(Additional paragraph: 7/5/2010-5982/4 art.)** The state protects children against all kinds of abuse and violence.  
takes protective measures.

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<sup>17</sup> The margin of this article is "I. "Protection of the family", while Article 4 of the Law No. 5982 dated 7/5/2010  
It has been changed as it is included in the text with the article.

<sup>18</sup> With the 17th article of the Law No. 4709 dated 3/10/2001, the end of this paragraph is "and equality between spouses".  
stands." phrase has been added.

*II. The right and duty to education and training*

**Article 42** – No one can be deprived of the right to education and training. The scope of the right to education shall be determined by law and regulation.

Education and training are carried out under the supervision and control of the State, in line with Atatürk's principles and reforms, in accordance with the principles of modern science and education. Education and training places contrary to these principles cannot be opened.

Freedom of education and training does not remove the duty of loyalty to the Constitution.

Primary education is compulsory for all citizens, male and female, and is free in public schools. Principles on which private primary and secondary schools depend, regulated by law, in accordance with the level.

**(Additional paragraph: 9/2/2008-5735/2 art.; Cancellation: With the Decision of the Constitutional Court dated 5/6/2008 and numbered E.: 2008/16, K.: 2008/116. )**

The state provides the necessary assistance through scholarships and other means for successful students who lack financial means to continue their education. The state takes measures to make those who need special education due to their situation useful to the society.

In education and training institutions only related to education, training, research and examination activities are carried out. These activities can not be prevented, no matter whatever way.

No language other than Turkish can be taught or taught as their mother tongue to Turkish citizens in education and training institutions. The foreign languages to be taught in education and training institutions and the principles to which the schools providing education and training in a foreign language will be subject are regulated by law. The provisions of the international treaty are reserved.

*III. Public interest*

*A. Utilization of the coasts*

**Article 43** – Coasts are under the jurisdiction and disposal of the State.

Sea, lake and river shores and coastlines surrounding the shores of seas and lakes. public interest is taken into consideration.

The depth of the coasts and coastlines according to their intended use and the people from these places The terms and conditions of use are regulated by law.

*B. Land ownership*

**Article 44** – The State shall take the necessary measures to protect and improve the efficient operation of the land, to prevent its loss by erosion and to provide land to the peasants who are engaged in farming who are landless or do not have enough land. For this purpose, the law may determine the width of the land according to different agricultural regions and varieties. Providing land to the farmer who is landless or does not have enough land cannot result in a decrease in production, a decrease in forests and a decrease in other land and underground wealth.

The lands distributed for this purpose cannot be divided, transferred to others other than the provisions of inheritance, and can only be operated by the distributed farmers and their heirs. In case of loss of these conditions, the principles regarding the recovery of the distributed land by the State shall be regulated by law.

*C. Protection of workers in agriculture, animal husbandry and these production branches*

**Article 45** – The State facilitates the provision of operating tools and equipment and other inputs for those engaged in agriculture and animal husbandry, in order to prevent the misuse and destruction of agricultural lands, meadows and pastures, and to increase plant and animal production in accordance with the principles of agricultural production planning.

The state takes the necessary measures for the evaluation of plant and animal products and for their real value to be in the hands of the producer.

*D. Expropriation*

**Article 46 – (Amended: 3/10/2001-4709/18 art.)**

State and public legal entities; In cases where the public interest requires it, it is authorized to expropriate all or part of the immovable properties in private property and to establish administrative servitudes on them, in accordance with the principles and procedures laid down by law, on the condition that the actual compensation is paid in advance.

The expropriation price and the final decision shall be paid in cash and in advance. However, the way in which the costs of expropriated lands for the implementation of agricultural reform, the realization of large energy and irrigation projects and resettlement projects, the cultivation of new forests, the protection of coasts and tourism are paid are determined by law. In such cases where the law may prescribe payment in installments, the installment period cannot exceed five years; In this case, the installments are paid equally.

In any case, the price of the expropriated land belonging to the small farmer who directly operates that land is paid in advance.

Unpaid expropriation in installments stipulated in the second paragraph and for any reason The highest interest envisaged for public receivables is applied to the prices.

*E. Nationalization and Privatization<sup>19</sup>*

**Article 47** – Private enterprises that have the nature of public service may be nationalized in cases where public interest necessitates it.

Nationalization is done on real money. The manner in which the fair value was calculated, and procedures are regulated by law.

**(Additional paragraph: 13/8/1999-4446/1 art.)** The principles and procedures regarding the privatization of enterprises and assets owned by the state, state economic enterprises and other public legal entities shall be determined by law.

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<sup>19</sup> The margin of this article is "E. Nationalization", the 1st of the Law No. 4446 dated 13/8/1999 It has been changed as it is included in the text with the article.

**(Additional paragraph: 13/8/1999-4446/1 art.)** Which of the investments and services carried out by the state, state economic enterprises and other public legal entities can be made or transferred to real or legal persons through private law contracts shall be determined by law.

#### *IV. Freedom of work and contract*

**Article 48** – Everyone has the freedom to work and contract in any field they wish. Private enterprises are free to establish.

The state ensures that private enterprises operate in accordance with the requirements of the national economy and social purposes, takes measures to ensure that it works in safety and stability.

#### *V. Provisions related to work*

##### *A. The right and duty to work*

**Article 49** – Working is everyone's right and duty.

**(Amended paragraph: 3/10/2001-4709/19 art.)** The state is responsible for protecting the workers and the unemployed, supporting work, preventing unemployment in order to raise the living standards of the employees and improve the working life. It takes the necessary measures to create an economic environment conducive to prevention and to ensure working peace.

**(Repealed clause: 3/10/2001-4709/19 art.)**

##### *B. Working conditions and the right to rest*

**Article 50** – No one can be employed in jobs that do not comply with their age, gender and power.

Minors and women and those with physical and mental disabilities are special in terms of working conditions. are preserved.

Rest is the right of employees.

The rights and conditions of paid week and holiday holidays and paid annual leave are regulated by law.

##### *C. The right to form unions*

**Article 51 – (Amended: 3/10/2001-4709/20 art.)**

Employees and employers have the right to establish unions and higher organizations, to become members of them freely, and to withdraw from membership without obtaining prior permission, in order to protect and develop the economic and social rights and interests of their members in their labor relations. No one can be compelled to join or leave a union.

The right to form trade unions can only be exercised for reasons of national security, public order, prevention of crime, protection of public health and morals, and the rights and freedoms of others. can be limited.

The form, conditions and procedures to be applied in the exercise of the right to form a union shall be specified in the law.

**(Abrogated fourth paragraph: 7/5/2010-5982/5 art.)**



The scope, exceptions and limits of the rights of non-employee public officials in this field are regulated by law in accordance with the nature of the service they receive.

The statutes, management and functioning of trade unions and their higher organizations, the basic principles of the Republic. It cannot be contrary to its characteristics and democratic principles.

*D. Union activity*

**Article 52 – (Repealed: 23/7/1995-4121/3 art.)**

*VI. Collective bargaining, right to strike and lockout*

*A. Collective bargaining agreement and the right to collective* <sup>20</sup>

*bargaining* **Article 53** – Workers and employers have the right to conclude collective bargaining agreements in order to mutually regulate their economic and social conditions and working conditions.

Regulated by law in the way of the collective bargaining agreement.

**(Additional paragraph: 23/7/1995-4121/4 art.; Abrogated third paragraph: 7/5/2010-5982/6 art.)**

**(Abrogated fourth paragraph: 7/5/2010-5982/6 art.)**

**(Additional clause: 7/5/2010-5982/6 art.)** Civil servants and other public officials, making collective agreements they have the right.

**(Additional paragraph: 7/5/2010-5982/6 art.)** In case of disagreement during the collective agreement, the parties may apply to the Public Servants Arbitration Board. The decisions of the Public Servants Arbitration Board are final and have the force of a collective agreement.

**(Additional paragraph: 7/5/2010-5982/6 art.)** Scope of the right of collective bargaining, exceptions, those who will benefit from the collective agreement, the way, procedure and enforcement of the collective agreement, the reflection of the provisions of the collective agreement to retirees, the formation of the Public Servants Arbitration Board, working procedure and its principles and other matters shall be regulated by law.

*B. Right to strike and lockout*

**Article 54** – Workers have the right to strike in case of disagreement during the conclusion of the collective bargaining agreement. The procedures and conditions, scope and exceptions of the exercise of this right and the employer's application for lockout shall be regulated by law.

The right to strike and lockout cannot be used in a manner contrary to the rules of goodwill, to the detriment of the society and to destroy the national wealth.

**(Repealed third paragraph: 7/5/2010-5982/7 art.)**

Circumstances and workplaces where strikes and lockouts may be prohibited or postponed are regulated by law. is arranged.

In cases where strikes and lockouts are prohibited or postponed, the dispute is resolved by the Supreme Arbitration Board at the end of the postponement. At every stage of the dispute, the parties agree

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<sup>20</sup> The margin of this article is "A. While the right to collective bargaining agreement", 6 of the Law No. 5982 dated 7/5/2010 It has been changed as it is processed in the text with the th article.

may apply to the Supreme Court of Arbitration. The decisions of the Supreme Arbitration Board are final and have the force of a collective bargaining agreement.

The establishment and duties of the Supreme Arbitration Board are regulated by law.

**(Repealed seventh paragraph: 7/5/2010-5982/7 art.)**

The work of those who do not participate in the strike cannot be prevented in any way by those who participate in the strike.

#### *VII. Ensuring fair wages*

**Article 55** – Wages are the reward of labor.

The state takes the necessary measures for the employees to obtain a fair wage suitable for the work they do and to benefit from other social benefits.

**(Amended paragraph: 3/10/2001-4709/21 art.)** The living conditions of the employees in determining the minimum wage The economic situation of the country is also taken into account.

#### *VIII. Health, environment and housing*

##### *A. Health care and environmental protection*

**Article 56** – Everyone has the right to live in a healthy and balanced environment. To improve the environment, to protect environmental health and to prevent environmental pollution. citizens' duty.

The state is to ensure that everyone continues their life in physical and mental health; It organizes health institutions to plan and provide services from a single source in order to realize cooperation by increasing savings and efficiency in human and material power.

The state fulfills this duty by making use of health and social institutions in the public and private sectors and by supervising them.

Universal health insurance by law for the widespread fulfillment of health services can be installed.

##### *B. Right to housing*

**Article 57** – The state is responsible for a planning that takes into account the characteristics and environmental conditions of the cities. It takes measures to meet the housing needs, and also supports mass housing enterprises.

#### *IX. Youth and sports*

##### *A. Protection of youth*

**Article 58** – Ensuring the growth and development of the young people to whom the State, our independence and our Republic are entrusted, in the light of positive science, in line with Atatürk's principles and reforms, and against views that aim to destroy the indivisible unity of the State with its country and nation. takes measures.

The state protects young people from addiction to alcohol, drugs, delinquency, gambling and similar takes the necessary measures to protect from bad habits and ignorance.

*B. Development of sports and arbitration* 21

**Article 59** – The state takes measures to improve the physical and mental health of Turkish citizens of all ages, and encourages the spread of sports to the masses.

The state protects the successful athlete.

**(Additional paragraph: 17/3/2011-6214/1 art.)** Only compulsory arbitration can be applied against the decisions of sports federations regarding the management and discipline of sports activities. The decisions of the arbitration board are final and no judicial authority can be appealed against these decisions.

*X. Social security rights*

*A. The right to social security*

**Article 60** – Everyone has the right to social security.

The state takes the necessary measures to ensure this security and establishes the organization.

*B. Those who need special protection in terms of social security:*

**Article 61** – The state protects the widows and orphans of the martyrs of war and duty, the disabled and veterans, and provides a living standard worthy of them in the society.

The state takes measures to ensure the protection of the disabled and their adaptation to social life.

The elderly are protected by the State, State aid to the elderly and other rights and facilities to be provided regulated by law.

The state takes all kinds of measures to reintegrate children in need of protection into society.

For these purposes, it establishes or has the necessary organizations and facilities established.

*C. Turkish citizens working in foreign countries*

**Article 62** – The State shall take the necessary measures to ensure the family unity of Turkish citizens working in foreign countries, to ensure their children's education, cultural needs and social security, to protect their ties with the homeland and to assist them in their return home.

*XI. Protection of historical, cultural and natural assets*

**Article 63** – The state ensures the protection of historical, cultural and natural assets and values. For this purpose, it takes supportive and encouraging measures.

Limitations on those assets and values that are privately owned, and For this reason, the aids and exemptions to be granted to the beneficiaries are regulated by law.

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<sup>21</sup> The margin of this article is "B. 1st of Law No. 6214 of 17/3/2011, while it is the development of sports" It has been changed as it is included in the text with the article.

*XII. Protection of art and the artist*

**Article 64** – The state protects art activities and the artist. It takes the necessary measures for the protection, evaluation and support of the works of art and the artist, and for the spread of the love of art.

*XIII. Limits of economic and social duties of the state* **Article 65** <sup>22</sup>

– **(Amended: 3/10/2001-4709/22 art.)**

The state shall fulfill its duties determined by the Constitution in social and economic fields, fulfills its objectives within the adequacy of its financial resources by considering the priorities appropriate to its objectives.

**CHAPTER FOUR**

***Political Rights and Duties***

*I. Turkish citizenship*

**Article 66** – Everyone who is bound to the Turkish State by citizenship is Turkish.

The child of a Turkish father or a Turkish mother is Turkish. **(Repealed second sentence: 3/10/2001-4709/23 art.)**

Citizenship is acquired under the conditions stipulated by the law and is lost only in cases specified in the law.

No Turk can be deprived of citizenship unless he commits an act incompatible with patriotism.

cannot be removed.

Judicial remedy cannot be closed against the decisions and procedures regarding the removal of citizenship.

*II. Right to vote, be elected and engage in political activity*

**Article 67** – Citizens have the right to vote, to be elected, to engage in political activities independently or within a political party, and participate in the referendum, in accordance with the conditions set forth in the law.

**(Amended paragraph: 23/7/1995-4121/5 art.)** Elections and referendums are held under the administration and supervision of the judiciary, according to the principles of free, equal, secret, single-grade, universal suffrage, open counting and listing. However, in order for Turkish citizens abroad to exercise their right to vote, the law determines the applicable measures.

**(Amended paragraph: 23/7/1995-4121/5 art.)** Every Turkish citizen over the age of eighteen has the right to vote and participate in the referendum.

The exercise of these rights is regulated by law.

**(Amended paragraph: 23/7/1995-4121/5 art.)** **Private** and non-commissioned officers and military students, convicts in penitentiary institutions, except those convicted of negligent crimes, cannot vote. Voting and counting of votes in prisons and detention houses

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<sup>22</sup> The margin of this article is “XIII. While it is the limit of social and economic rights”, dated 3/10/2001 and numbered 4709. It has been changed as it is written in the text with Article 22 of the Law.

Necessary measures to be taken in terms of election security are determined by the Supreme Election Board.  
determined and done under the on-site management and supervision of the incumbent judge.<sup>23</sup>

**(Additional paragraph: 23/7/1995-4121/5 art.)** Election laws, fairness in representation and stability in administration organized in a way that aligns its principles.

**(Additional paragraph: 3/10/2001-4709/24 art.)** Amendments made in election laws shall not be applied in elections to be held within one year from the date of entry into force.

### *III. Provisions on political parties*

#### *A. Forming a party, joining and leaving parties* **Article 68 –**

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#### **(Amended: 23/7/1995-4121/6 art.)**

Citizens have the right to form political parties and to enter and leave parties duly.  
has. To become a party member, one must be over the age of eighteen.

Political parties are indispensable elements of democratic political life.

Political parties are established without prior permission and are within the provisions of the Constitution and the law.  
continue their activities.

The statutes, programs and actions of political parties are committed to the independence of the State, its indivisible integrity with its territory and nation, human rights, the principles of equality and the rule of law, national sovereignty, democratic and cannot be contrary to the principles of the secular Republic; may not seek to defend or establish class or estate dictatorships or dictatorships of any kind; cannot incite crime.

Judges and prosecutors, members of higher judicial bodies including the Court of Accounts, civil servants of public institutions and organizations, other public officials who do not qualify as workers in terms of their services, members of the Armed Forces and pre-higher education students cannot become members of political parties.

Membership of higher education staff to political parties can only be regulated by law.

The law cannot allow these members to take office in parties other than the central organs of political parties, and the principles that party member higher education staff must comply with in higher education institutions.  
determines.

The principles regarding the membership of higher education students to political parties are regulated by law.  
regulated

The State provides adequate and equitable financial assistance to political parties. To be made for parties  
The principles governing the aid, membership fees and donations to be received are regulated by law.

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<sup>23</sup> With the 24th article of the Law No. 4709 dated 3/10/2001, the phrase "except those convicted of negligent offenses" was added after the phrase "military students" in this paragraph, and the phrase "in the exercise of the right of choice by the detainees" included in the same paragraph, Changed to "voting and".

<sup>24</sup> The margin of this article is "A. While "establishing a party, entering and exiting parties" was changed as it is in the text with Article 6 of the Law No. 4121 dated 23/7/1995.

*B. Principles to be followed by political parties*

**Article 69 – (Amended: 23/7/1995-4121/7 art.)**

The activities, internal arrangements and work of political parties are in accordance with the principles of democracy.

It is possible. The application of these principles is regulated by law.

Political parties cannot engage in commercial activities.

The income and expenses of political parties must be in line with their objectives. The application of this rule is regulated by law.

The Constitutional Court determines the legality of the acquisitions of property, income and expenses of political parties, the control methods of this matter and the sanctions to be applied in case of contradiction are specified in the law. The Constitutional Court provides assistance from the Court of Accounts in carrying out this audit task. Decisions of the Constitutional Court at the end of this audit

is certain.

The closure of political parties, upon the lawsuit filed by the Chief Public Prosecutor of the Supreme Court

The decision is finalized by the Constitutional Court.

If the statute and program of a political party are found to be in violation of the provisions of the fourth paragraph of Article 68, a decision for permanent closure is made.

A decision to permanently dissolve a political party due to acts contrary to the provisions of the fourth paragraph of Article 68 can only be decided if it is determined by the Constitutional Court that it has become a focus where acts of this nature are committed.

**(Additional sentence: 3/10/2001-4709/25 art.)** A political party means that acts of this nature are committed intensively by the members of that party and this situation is the grand congress or chairman of that party or central decision or administrative organs or the Turkish Grand National Assembly. It is deemed to have become the focus of the said acts if they are tacitly or explicitly adopted by the group general assembly or the group executive board in the assembly, or if these acts are committed directly by the aforementioned party organs with determination.

**(Additional paragraph: 3/10/2001-4709/25 art.)** The Constitutional Court may decide to partially or completely deprive the relevant political party of State aid, depending on the gravity of the acts subject to the case, instead of permanent closure according to the above paragraphs.

A party that is permanently closed cannot be established under another name.

The members, including the founders, who caused the permanent dissolution of a political party through their statements or activities, are the founders, members, directors and directors of another party for a period of five years starting from the publication of the final decision of the Constitutional Court regarding the permanent closure in the Official Gazette. They cannot be controllers.

Political parties that receive financial aid from foreign states, international organizations and real and legal persons who are not Turkish nationals are permanently dissolved.

**(Amended paragraph: 3/10/2001-4709/25 art.)** The establishment and activities of political parties, their supervision, closure or partial or complete deprivation of State aid, and election expenditures and procedures of political parties and candidates shall be regulated by law within the framework of the above principles.

#### *IV. Right to enter public services*

##### *A. Entry into service*

**Article 70** – Every Turk has the right to enter public service.

In recruitment, no discrimination other than the qualifications required by the job can be observed.

##### *B. Declaration of goods*

**Article 71** – The declaration of property by those entering the public service and the repetition periods of these declarations are regulated by law. Those who serve in the legislative and executive organs, cannot be excluded.

#### *V. Homeland service*

**Article 72** – Homeland service is the right and duty of every Turk. This service in the Armed Forces or how it will be fulfilled or deemed to be fulfilled in the public sector is regulated by law.

#### *VI. Tax duty Article*

**73** – Everyone is obliged to pay taxes according to their financial power in order to meet public expenditures.

A fair and balanced distribution of the tax burden is the social goal of fiscal policy.

Taxes, duties, fees and similar financial obligations are set, changed or removed by law.

The President may be empowered to make changes in the provisions regarding exemptions, exemptions, deductions and rates of taxes, duties, fees and similar financial obligations within the upper and lower limits specified by the law.<sup>25</sup>

#### *VII. Right to petition, obtain information and apply to the ombudsman Article 74* <sup>26</sup>

– Citizens and foreigners residing in Turkey, on the condition of reciprocity, have the right to apply in writing to the competent authorities and the Turkish Grand National Assembly regarding their wishes and complaints regarding themselves or the public.

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The results of the applications concerning them are notified in writing to the petitioners without delay.<sup>28</sup>

**(Repealed third paragraph: 7/5/2010-5982/8 art.)**

**(Additional paragraph: 7/5/2010-5982/8 art.)** Everyone has the right to obtain information and apply to the ombudsman.

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<sup>25</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, to the "Council of Ministers" in this paragraph The wording has been changed to "President".

<sup>26</sup> The margin of this article is "VII. The right to petition", while the 8th article of the Law No. 5982 dated 7/5/2010 It has been changed as it is included in the text with the article.

<sup>27</sup> With Article 26 of the Law No. 4709 dated 3/10/2001, the phrase "Foreigners residing in Turkey on condition of reciprocity" has been added to this paragraph after the phrase "Citizens".

<sup>28</sup> With Article 26 of the Law No. 4709 dated 3/10/2001, after the phrase "result" in this paragraph The phrase "without delay" has been added to arrive.

**(Additional paragraph: 7/5/2010-5982/8 art.)** The Ombudsman Institution, established under the Presidency of the Turkish Grand National Assembly, examines complaints about the functioning of the administration.

**(Additional paragraph: 7/5/2010-5982/8 art.)** The Chief Ombudsman is elected by the Turkish Grand National Assembly by secret ballot for four years. In the first two voting, two-thirds of the total number of members, and in the third voting, absolute majority of the total number of members is required. If an absolute majority is not achieved in the third ballot, a fourth ballot is held for the two candidates who received the most votes in this ballot; The candidate with the most votes in the fourth ballot was elected.

It is possible.

**(Additional paragraph: 7/5/2010-5982/8 art.)** The manner of exercising the rights listed in this article, the establishment, duty, work of the Ombudsman Institution, the procedures to be carried out as a result of the examination, and the qualifications, election and personal rights of the Ombudsman and ombudsman. and the fundamentals regulated by law.

### **PART THREE**

#### ***BASIC BODIES OF THE REPUBLIC***

#### **FIRST PART**

##### ***Legislative***

##### ***I. Turkish Grand National Assembly***

##### ***A. Establishment:***

##### **Article 75 – (Amended: 23/7/1995-4121/8 art.)**

The Turkish Grand National Assembly consists of six hundred deputies elected by universal suffrage.<sup>29</sup>

##### ***B. Eligibility to be elected as a Member of***

**Parliament Article 76** – Every Turkish MP who has attained the age of eighteen can be elected.<sup>30</sup>

Those who are not at least primary school graduates, those who are restricted, those who have military service, those who are banned from public service, those who are sentenced to a total of one year or more imprisonment and heavy imprisonment, excluding negligent crimes; Disgraceful crimes such as embezzlement, embezzlement, corruption, bribery, theft, fraud, forgery, abuse of faith, fraudulent bankruptcy, smuggling, rigging in official tenders and purchases, revealing state secrets, participating in terrorist acts and inciting and encouraging such acts. Those who have been convicted of one of their crimes cannot be elected as members of parliament, even if they have been pardoned.

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<sup>29</sup> With Article 2 of the Law No. 6771 dated 21/1/2017, the phrase "five hundred and fifty" in this paragraph Changed to "six hundred".

<sup>30</sup> With the 1st article of the Law No. 5551 dated 13/10/2006, the phrase "Thirty" in this paragraph was changed to "Twenty-Five", then the phrase "Twenty-Five" was changed to "Twenty-Five" with the 3rd article of the Law No. 6771 dated 21/1/2017. " has been changed.

<sup>31</sup> With the 3rd article of the Law No. 6771 dated 21/1/2017, the "military service to which he is obliged" in this paragraph those who have not served" has been changed to "those who are related to military service".

<sup>32</sup> With the 1st article of the Law No. 4777 dated 7/12/2002, the "ideological or anarchic The phrase "acts of terrorism" was changed to "acts of terrorism".



Judges and prosecutors, members of higher judicial bodies, faculty members in higher education institutions, members of the Council of Higher Education, civil servants of public institutions and organizations, and other public officials who do not qualify as workers in terms of their services, and members of the Armed Forces cannot be candidates and cannot be elected as members of parliament, unless they resign from their duties.

*C. Election period of the Turkish Grand National Assembly and the President* **Article 77 –** <sup>33</sup>

**(Amended: 21/1/2017-6771/4 art.)**

Turkish Grand National Assembly and Presidential elections are held on the same day every five years.

The deputies whose term has expired can be re-elected.

If the required majority is not achieved in the first ballot in the presidential election, 101

The second voting is held in accordance with the procedure in the th article.

*D. Postponing the elections and by-elections* **Article 78 – If it is** <sup>34</sup>

not possible to hold new elections due to the war, Turkey will be

The National Assembly may decide to postpone the elections for one year.

If the reason for the postponement has not disappeared, this process can be repeated according to the procedure in the postponement decision.

In case of a vacancy in the membership of the Turkish Grand National Assembly, by-elections are held. By-elections are held once in each election period, and by-elections cannot be held unless thirty months have passed since the general election. However, in cases where the number of vacant memberships reaches five percent of the total number of members, by-elections are decided to be held within three months.

One year before the general elections, by-elections cannot be held.

**(Additional paragraph: 27/12/2002-4777/2 art.)** Apart from the above-mentioned cases, if a province or electoral district has no members in the Turkish Grand National Assembly, by-elections are held on the first Sunday after the ninety days following the vacancy. The provision of the third paragraph of Article 127 of the Constitution shall not be applied in the elections to be held pursuant to this paragraph.

*E. General management and control of elections*

**Article 79 –** Elections are held under the general management and supervision of the judicial organs.

From the beginning to the end of the elections, to carry out all the procedures related to the orderly administration and honesty of the election, to examine and finalize all corruption, complaints and objections related to election issues during and after the election, and to keep the election minutes of the members of the Grand National Assembly of Turkey and the Presidential election minutes. duty to accept

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<sup>33</sup> The margin of this article is “C. While it was the election period of the Turkish Grand National Assembly, dated 21/1/2017 and It has been changed as it is written in the text with Article 4 of the Law No. 6771.

<sup>34</sup> The margin of this article is “D. Postponing the elections of the Grand National Assembly of Turkey and midterm elections”, it has been changed as in the text with the 16th article of the Law No. 6771 dated 21/1/2017.

It is the Supreme Election Board. No appeal can be made to any other authority against the decisions of the Supreme Election Board.

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The duties and powers of the Supreme Election Board and other election boards are regulated by law.

Supreme Election Board consists of seven regular and four substitute members. Six of the members are elected by the Supreme Court of Appeals and five by the General Assemblies of the Council of State by secret ballot of the absolute majority of the total number of members from among their members. These members elect a chairman and a vice-chairman from among themselves by simple majority and secret ballot.

By drawing names from among the members elected to the Supreme Election Board from the Supreme Court and the Council of State. Two alternate members leave. The Chairman and the Deputy Chairman of the Supreme Election Board do not enter into drawing.

The general administration and supervision of the process of submitting the laws regarding the constitutional amendments to the referendum and electing the President by the people shall be in accordance with the provisions applied in the parliamentary elections.

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#### *F. Membership provisions*

##### *1. Representation of the nation*

**Article 80** – Members of the Grand National Assembly of Turkey may choose the region from which they are elected or themselves. They represent the entire Nation, not the electorate.

##### *2. Pledge*

**Article 81** – Members of the Grand National Assembly of Turkey take the following oath when taking office:

"I will protect the existence and independence of the state, the indivisible integrity of the homeland and the nation, the unconditional and unconditional sovereignty of the nation; I will abide by the rule of law, the democratic and secular Republic, and the principles and reforms of Atatürk; I will protect the peace and welfare of the society, the national solidarity and the understanding of justice; I swear on my honor and dignity in front of the great Turkish nation, that I will not swerve from the ideal of

##### *3. Works incompatible with membership*

**Article 82** – Members of the Grand National Assembly of Turkey, the State and other public legal entities and their affiliated organizations; In undertakings and partnerships in which the state or other public legal entities participate directly or indirectly; They cannot take part in the management and auditing boards of associations working for public benefit whose private income sources and special opportunities are provided by law, foundations that provide aid from the State and are tax exempt, professional organizations in the nature of public institutions, trade unions and their superior organizations, and enterprises or partnerships in which they participate.

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<sup>35</sup> With Article 2 of the Law No. 5678 dated 31/5/2007, the "election minutes" mentioned in this paragraph  
The phrase "and the minutes of the Presidential election" has been added to come after the phrase.

<sup>36</sup> With the 2nd article of the Law No. 5678 dated 31/5/2007, the "submission to the public opinion" mentioned in this paragraph  
"The President is elected by the people" has been added to come after the phrase.

They cannot accept any undertaking work directly or indirectly, and cannot act as a representative or arbitrator.

Members of the Grand National Assembly of Turkey cannot be assigned with any official or private work related to the proposal, assignment, appointment or approval of the executive body. **(Repealed second sentence: 21/1/2017-6771/16 art.)**

Other duties and works incompatible with the membership of the Turkish Grand National Assembly are prohibited by law. is arranged.

#### *4. Legislative immunity*

**Article 83** – Members of the Grand National Assembly of Turkey are responsible for their votes and words in the work of the Assembly, the thoughts they put forward in the Assembly, and for repeating and revealing them outside the Assembly, unless another decision is taken by the Assembly upon the proposal of the Presidential Council in that session. they cannot be held.

A deputy who is alleged to have committed a crime before or after the election cannot be detained, interrogated, arrested or tried without the decision of the Assembly. The state of flagrante delicto requiring heavy punishment and the cases in Article 14 of the Constitution, provided that the investigation has been started before the election, are excluded from this provision. However, in this case, the competent authority must immediately and directly report the situation to the Turkish Grand National Assembly.

Fulfillment of a penalty sentence given before or after the election of a member of the Grand National Assembly of Turkey is left to the expiration of the membership status; During the subscription period, the statute of limitations does not run.

The investigation and prosecution of the re-elected deputy is subject to the Parliament's lifting his immunity again.

Regarding the parliamentary immunity of the political party groups in the Turkish Grand National Assembly, No meeting or decision can be made.

#### *5. Decline of Member of Parliament <sup>37</sup>*

##### **Article 84 – (Amended: 23/7/1995-4121/9 art.)**

The resignation of the deputy is decided by the General Assembly of the Grand National Assembly of Turkey, after determining that the resignation is valid by the Presidency Council of the Grand National Assembly of Turkey.

The dismissal of the deputyship in the event of a final conviction or restriction is possible by notifying the General Assembly of the final court decision on this matter.

Pursuant to Article 82, the General Assembly decides, by secret ballot, upon the report of the authorized commission that determines this situation, for the dismissal of a deputy who insists on continuing a duty or service that is incompatible with being a deputy.

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<sup>37</sup> The margin of this article is "5. "Deletion of membership", while Article 9 of the Law No. 4121 dated 23/7/1995 It has been changed with the article as it is processed in the text.

The General Assembly may decide with the absolute majority of the total number of members, upon the determination of the situation by the Assembly Presidency Council, that the deputyship of a deputy who does not attend the parliamentary work without an excuse or leave of absence for a total of five reunion days within a month, be dismissed.

**(Repealed last paragraph: 7/5/2010-5982/9 art.)**

*6. Cancellation prompt*

**Article 85 – (Amended: 23/7/1995-4121/10 art.)**

In cases where a decision is made to abolish the parliamentary immunity or to relinquish the deputyship in accordance with the first, third or fourth paragraphs of Article 84, within seven days from the date of the decision of the General Assembly of the Assembly, the relevant deputy or another deputy may request the annulment of the decision on the grounds that it is inconsistent with the Constitution, the law or the Rules of Procedure. He can apply to the court. The Constitutional Court makes a final decision on the annulment request within fifteen days.

*7. Allowances and allowances*

**Article 86 – (Amended first sentence: 21/11/2001-4720/1 art.)** The allowance, travel allowance and retirement transactions of the members of the Turkish Grand National Assembly are regulated by law. The monthly amount of the allowance cannot exceed the amount that the highest civil servant receives, and the amount of travel allowance cannot exceed half of the allowance. Members of the Grand National Assembly of Turkey and their retirees are interested in the TR Pension Fund, and their interest continues upon the request of those whose membership has expired.<sup>38</sup>

Allowances and travel allowances to be paid to the members of the Turkish Grand National Assembly,  
It does not require the termination of pension and similar payments made by the Pension Fund.

39

Allowances and travel allowances can be paid up to three months in advance.

*II. Duties and powers of the Turkish Grand National Assembly*

*A. In general*

**Article 87 – (Amended: 21/1/2017-6771/5 art.)**

The duties and powers of the Turkish Grand National Assembly are to enact, amend and abolish laws; discussing and accepting budget and final account bills; decide on the printing of money and the declaration of war; to approve the ratification of international treaties, to decide on the proclamation of general and special amnesty with the decision of three-fifths of the total number of members of the Grand National Assembly of Turkey, and to exercise the powers and fulfill the duties envisaged in other articles of the Constitution.

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<sup>38</sup> With the 1st article of the Law No. 4720 dated 21/11/2001, at the end of this paragraph, "Members of the Grand National Assembly of Turkey and their retirees are interested in the TR Pension Fund, and their interest continues upon the request of those whose membership has expired." phrase has been added.

<sup>39</sup> With the 1st article of the Law No. 4720 dated 21/11/2001, the "Social security Institutions" was changed to "Turkish Pension Fund".

*B. Proposing and discussing laws* **Article 88** – Deputies

(...)<sup>40</sup> are authorized to propose laws.

Procedures and principles of discussion of the Law (...) <sup>41</sup> proposals in the Grand National Assembly of Turkey regulated by statute.

*C. Publication of laws by the President*

**Article 89** – The President of the Republic of Turkey, the laws passed by the Grand National Assembly releases during the day.

It sends back the laws that it does not find appropriate to be published, partially or completely, to the Turkish Grand National Assembly for further discussion, together with the reason it has given in this regard, within the same period. **(Additional sentence: 3/10/2001-4709/29 art.)** In case of partial disapproval by the President, the Grand National Assembly of Turkey can only discuss the unsuitable articles. Budget laws are not subject to this provision.

42

If the Grand National Assembly of Turkey accepts the returned law with the absolute majority of the total number of members, the law is published by the President; If the Assembly makes a new amendment to the returned law, the President can send the amended law back to the Assembly.

43

Provisions regarding constitutional amendments are reserved.

*D. Approving international treaties*

**Article 90** – The ratification of agreements to be made with foreign states and international organizations on behalf of the Republic of Turkey depends on the approval of the Turkish Grand National Assembly by a law.

Agreements regulating economic, commercial or technical relations and whose duration does not exceed one year may be put into effect upon publication, provided that they do not impose a burden on the State Finance and do not affect the personal status of the Turks and the property rights of Turks in foreign countries. In this case, these treaties shall be brought to the notice of the Turkish Grand National Assembly within two months of their publication.

Implementation agreements based on an international agreement and economic, commercial, technical or administrative agreements made based on the authority given by law do not have to be approved by the Turkish Grand National Assembly; However, agreements concerning the rights of economic, commercial or private persons made pursuant to this paragraph cannot be put into effect before they are published.

The provision of the first paragraph shall be applied in the conclusion of all kinds of treaties that bring changes to the Turkish laws.

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<sup>40</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Council of Ministers and" in this paragraph has been removed from the text of the article.

<sup>41</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "draft and" in this paragraph is included in the article. removed from the text.

<sup>42</sup> With the 29th article of the Law No. 4709 dated 3/10/2001, the phrase "to be published" is included in this paragraph. The phrase "partially or completely" has been added to come after it.

<sup>43</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the "law of repatriation" in this paragraph The phrase "with the absolute majority of the integer number of members" has been added to come after the phrase.

International agreements duly put into effect have the force of law. It is not possible to apply to the Constitutional Court with the allegation that they are unconstitutional. **(Additional sentence: 7/5/2004-**

**5170/7 art.) In case** of conflicts that may arise due to the fact that international agreements on fundamental rights and freedoms and laws that have been duly put into effect contain different provisions on the same subject, the provisions of the international agreement shall prevail.

*E. Authorization to issue decree laws*

**Article 91 – (Repealed: 21/1/2017-6771/16 art.)**

*F. Declaring a state of war and authorizing the use of armed force*

**Article 92 –** The Turkish Grand National Assembly is authorized to declare a state of war in cases deemed legitimate by international law and to allow the sending of Turkish Armed Forces to foreign countries or the presence of foreign armed forces in Turkey, except as required by international treaties to which Turkey is a party or by international courtesy rules.

The President of the Republic may also decide to use the Turkish Armed Forces in the event that the country is subjected to a sudden armed attack while the Turkish Grand National Assembly is in recess or in a recess, and therefore it is inevitable to immediately decide to use armed force.

*III. Provisions regarding the activities of the Turkish Grand National Assembly*

*A. Gathering and vacation*

**Article 93 – (Amended first paragraph: 23/7/1995-4121/11 art.)** Turkish Grand National Assembly, It meets automatically on the first day of October every year.

The Assembly may recess for a maximum of three months in a legislative year; during a break or vacation (...)44 It is summoned to the meeting by the President.

The Speaker of the Assembly, directly or upon the written request of one-fifth of the members, may call the Assembly. calls a meeting.

In the Turkish Grand National Assembly convened during a recess or recess, a break or a holiday cannot be continued without first discussing the issue necessitating this meeting.

*B. Presidency Council*

**Article 94 –** The Presidency of the Grand National Assembly of Turkey is selected from among the members of the Assembly. It consists of the elected Speaker of the Assembly, Deputy Presidents, Clerk members and Administrative Chiefs.

The Presidency Council requires the political party groups in the Assembly to participate in the Court in proportion to the number of members. is installed to provide Political party groups cannot nominate candidates for the Presidency.

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<sup>44</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "directly or upon the request of the Council of Ministers" in this paragraph has been removed from the text of the article.

Two elections are held in a legislative term for the Presidency of the Turkish Grand National Assembly.

**(Amended second sentence: 7/5/2010-5982/10 art.)** The term of office of those elected for the first time is two years, while the term of office of those elected for the second term continues until the end of that legislative term.

The Presidential candidates of the Grand National Assembly of Turkey are notified to the Presidency Council from among the members of the Assembly within five days from the day the Assembly convenes, and the election of the Chairman is made by secret ballot. In the first two voting, two-thirds of the total number of members, and in the third voting, absolute majority of the total number of members is required. If an absolute majority is not achieved in the third ballot, a fourth ballot is held for the two candidates who received the most votes in this ballot; The member who gets the most votes in the fourth ballot is elected as the President. The election of the President shall be completed within five days from the expiry of the nomination period.

45

Number of Deputy Speakers of the Grand National Assembly of Turkey, Clerk Members and Administrative Chiefs,

The election quorum, number of votes and procedures are determined in the Rules of Procedure of the Assembly.

The President of the Grand National Assembly of Turkey, the Deputy Speakers, the activities of the political party or party group of which they are members, inside or outside the Assembly; they may not participate in the debates of the Assembly, except as required by their duties; The Chairman and the Deputy Chairman who chair the session cannot vote.

#### *C. Bylaws of political party groups and law enforcement affairs*

**Article 95 –** The Grand National Assembly of Turkey carries out its work in accordance with the provisions of its own bylaws. The provisions of the bylaws are determined by the political party groups in proportion to the number of members in all activities of the Assembly.

arranged in a way that will enable them to participate. Political party groups consist of at least twenty members.

Law enforcement and administrative services in all buildings, facilities, annexes and lands of the Turkish Grand National Assembly are organized and carried out by the Presidency of the Assembly. Sufficient force for security and other law enforcement services is allocated to the Presidency of the Assembly by the relevant authorities.

#### *D. Meeting and decision quorum*

**Article 96 – (Amended first paragraph: 31/5/2007-5678/3 art.)** The Grand National Assembly of Turkey convenes with at least one third of the total number of members in all its affairs, including the elections it will hold. If there is no other provision in the Constitution, the Turkish Grand National Assembly decides with the absolute majority of the attendees; however, the decision quorum can never be less than one fourth of the total number of members.

**(Repealed second paragraph: 21/1/2017-6771/16 art.)**

#### *E. Clarity and publication of interviews*

**Article 97 –** The debates in the General Assembly of the Turkish Grand National Assembly are open and published in full in the minutes journal.

The Grand National Assembly of Turkey may hold closed sessions in accordance with the provisions of the Rules of Procedure. The publication of the discussions in the sessions depends on the decision of the Turkish Grand National Assembly.

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<sup>45</sup> *With Article 30 of the Law No. 4709 dated 3/10/2001, the phrase "within ten days" in this paragraph has been changed to "within five days".*

Open discussions in the Assembly shall be held by the Assembly upon the proposal of the Presidency Council in that session.  
It is free to be published by any means, unless another decision is taken.

#### *IV. The ways of obtaining information and control of the Turkish Grand National Assembly*

(...)<sup>46</sup>

##### **Article 98 – (Amended: 21/1/2017-6771/6 art.)**

Grand National Assembly of Turkey; Parliamentary inquiry, general discussion, Parliamentary investigation and uses its authority to obtain information and control by means of written questions.

Parliamentary research consists of an examination made to obtain information on a particular subject.

General discussion, the Turkish Grand National Assembly of a particular issue that concerns society and State activities.  
It is discussed in the General Assembly of the National Assembly.

Parliamentary investigation, Article 106 on vice-presidents and ministers  
consists of the investigation carried out in accordance with the fifth, sixth and seventh paragraphs.

Written question, to be answered in writing within fifteen days at the latest,  
It consists of asking questions to the vice presidents and ministers in writing.

The form, content and scope of parliamentary research, general discussion and written questions, as well as research procedures, are regulated by the Parliamentary Bylaws.

#### *B. Confidence*

##### **Article 99 – (Repealed: 21/1/2017-6771/16 art.)**

#### *C. Parliamentary investigation*

##### **Article 100 – (Repealed: 21/1/2017-6771/16 art.)**

## **SECOND PART**

### ***Executive***

#### *1. President*

##### *A. Candidacy and election* <sup>47</sup>

##### **Article 101 – (Amended: 21/1/2017-6771/7 art.)**

The President is over the age of forty, has a higher education, is elected to the parliament.  
It is directly elected by the people from among Turkish citizens who have the qualifications.

The term of office of the President is five years. A person can be elected President for a maximum of two times.

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<sup>46</sup> With the 6th article of the Law dated 21/1/2017 and numbered 6771, this article is "A. In general, the margin title "Generally" has been removed from the text.

<sup>47</sup> While the margin title of this article is "A. Qualities and impartiality", 7 of the Law No. 6771 dated 21/1/2017 It has been changed as it is processed in the text with the article.



Political party groups, political parties that received at least five percent of the total valid votes alone or together in the last general elections, and at least one hundred thousand voters may nominate candidates for the Presidency.

The membership of the deputy who is elected as the President of the Turkish Grand National Assembly ends.

In the election to be held by universal suffrage, the candidate who receives the absolute majority of the valid votes is elected President. If this majority is not achieved in the first ballot, a second vote is held on the second Sunday following this vote. The two candidates who received the most votes in the first ballot participate in this voting and the candidate who receives the majority of the valid votes is elected President.

If one of the candidates entitled to participate in the second ballot does not participate in the election for any reason; The second ballot is made by replacing the vacant nomination according to the order in the first ballot. If there is only one candidate standing for the second ballot, this voting is held in the form of a referendum. If the candidate receives the absolute majority of the valid votes, the President is elected. In the voting, if the candidate does not receive the majority of the valid votes, only the Presidential election is renewed.

In case of failure to complete the election, it remains available until a new one takes office.  
The office of the President continues.

Other procedures and principles regarding the presidential elections shall be regulated by law.

#### *B. Selection*

**Article 102 – (Repealed: 21/1/2017-6771/16 art.)**

#### *C. Oath Article*

**103** – While taking office, the President takes the following oath in front of the Turkish Grand National Assembly:

"As President, I will protect the existence and independence of the State, the indivisible integrity of the homeland and the nation, the unconditional and unconditional sovereignty of the nation, I will abide by the Constitution, the rule of law, democracy, Atatürk's principles and reforms and the secular republic, the peace and welfare of the nation, national solidarity and understanding of justice. I swear on my honor and dignity, in the presence of the Great Turkish Nation and history, that I will work with all my might to protect and glorify the glory and honor of the Republic of Turkey, and to fulfill my duty with impartiality.

#### *D. Duties and powers*

**Article 104 – (Amended: 21/1/2017-6771/8 art.)**

The President is the head of the State. Executive power rests with the President.

In his capacity as Head of State, the President represents the Republic of Turkey and the unity of the Turkish Nation; Ensuring the implementation of the Constitution and the regular and harmonious functioning of the State organs it does.

If it deems necessary, the opening of the Turkish Grand National Assembly on the first day of the legislative year. makes his speech.

It gives a message to the Assembly about the domestic and foreign policy of the country.

It publishes laws.

It sends the laws back to the Turkish Grand National Assembly for reconsideration.

It files an action for annulment in the Constitutional Court on the grounds that all or certain provisions of the laws, the Rules of Procedure of the Grand National Assembly of Turkey are contrary to the Constitution in terms of form or substance.

He appoints vice-presidents and ministers and dismisses them.

Appoints and dismisses senior public officials and regulates the procedures and principles by presidential decree.

Sends representatives of the Republic of Turkey to foreign states, accepts foreign state representatives to be sent.

It ratifies and publishes international treaties.

If it deems necessary, it submits the laws regarding the constitutional amendments to the referendum.

It determines the national security policies and takes the necessary measures.

It represents the Commander-in-Chief of the Turkish Armed Forces on behalf of the Turkish Grand National Assembly. He decides to use the Turkish Armed Forces.

It alleviates or removes the punishments of people due to permanent illness, disability and old age.

The President can issue presidential decrees on matters related to executive power. Fundamental rights, personal rights and duties in the first and second parts of the second part of the Constitution and the political rights and duties in the fourth part cannot be regulated by a presidential decree. Presidential decrees cannot be issued on matters that are envisaged to be regulated exclusively by law in the Constitution. Presidential decrees cannot be issued on matters expressly regulated in the law. If there are different provisions in the presidential decree and the laws, the provisions of the law are applied. If the Grand National Assembly of Turkey enacts a law on the same subject, the presidential decree becomes null and void.

The President of the Republic may issue regulations in order to ensure the implementation of the laws, provided that they are not contrary to them.

Decrees and regulations enter into force on the day they are published in the Official Gazette, unless a date after publication has been determined.

The President is also responsible for the election and appointment duties given in the Constitution and laws and other performs duties and exercises authority.

#### *E. Criminal liability of the President* **Article 105** <sup>48</sup>

– **(Amended: 21/1/2017-6771/9 art.)**

It may be requested to open an investigation against the President with a motion submitted by the absolute majority of the total number of members of the Grand National Assembly of Turkey, alleging that he has committed a crime. The Assembly shall discuss the motion within one month at the latest and may decide to open an investigation by secret ballot of three-fifths of the total number of members.

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<sup>48</sup> *The margin of this article is “E. Responsibility and irresponsibility”, while it is dated 21/1/2017 and numbered 6771. It has been changed as it is written in the text with Article 9 of the Law.*

In case it is decided to open an investigation, an investigation is carried out by a commission of fifteen people to be formed by drawing names separately for each political party among the candidates to be nominated by the political parties in the Parliament as three times the number of members they can give to the commission in proportion to their power. The commission presents its report stating the result of the investigation to the Speaker of the Assembly within two months.

If the investigation cannot be completed within this period, a new and definite period of one month is given to the commission.

The report is distributed within ten days from the date it is submitted to the Presidency, and is discussed in the General Assembly within ten days from its distribution. The Grand National Assembly of Turkey may decide to refer it to the Supreme Court by secret ballot of two-thirds of the total number of members. The Supreme Court's trial is completed within three months, and if it cannot be completed within this period, an additional three-month period is given for once, and the trial is finalized within this period.

The President, against whom it is decided to open an investigation, cannot take an election decision.

The term of the President who is convicted of a crime preventing election in the Supreme Court ends.

For crimes alleged to have been committed by the President during his term of office, then the provision of this article is applied.

*F. Vice Presidents, deputies for the President and ministers* **Article 106 – (Amended: 49**  
**21/1/2017-6771/10 art.)**

The President may appoint one or more Vice Presidents after being elected.

If the office of the President becomes vacant for any reason, a Presidential election is held within forty-five days. Until a new one is elected, the Vice President acts as the President and exercises the powers of the President. If there is one year or less left to the general election, the Turkish Grand National Assembly election is also renewed together with the Presidential election. If there is more than one year left for the general election, the elected President of the Turkish Grand National Assembly continues to serve until the election date. For the President who has completed the remaining term, this period is not counted as a term. On the date of the general elections of the Turkish Grand National Assembly, both elections are held together.

In cases where the President temporarily leaves his office due to illness or going abroad, the Vice President shall act as the President and exercise the powers of the President.

Vice-presidents and ministers are appointed and dismissed by the President from among those eligible to be elected as deputies. Vice Presidents and ministers take their oaths in front of the Turkish Grand National Assembly as written in Article 81. Members of the Grand National Assembly of Turkey, if appointed as vice-president or minister,

it ends up.

Vice-presidents and ministers are accountable to the President. It may be requested to open an investigation against vice-presidents and ministers on the allegation that they have committed crimes related to their duties, with a motion submitted by the absolute majority of the total number of members of the Grand National Assembly of Turkey.

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<sup>49</sup> *The margin of this article is “F. Acting as the President of the Republic”, dated 21/1/2017 and numbered 6771 It has been changed as it is written in the text with Article 10 of the Law.*

The Assembly shall discuss the motion within one month at the latest and may decide to open an investigation by secret ballot of three-fifths of the total number of members.

In case it is decided to open an investigation, an investigation is carried out by a commission of fifteen people, which will be formed by drawing names separately for each political party, among the candidates to be nominated by the political parties in the Parliament as three times the number of members they can give to the commission in proportion to their power. The commission presents its report stating the result of the investigation to the Speaker of the Assembly within two months.

If the investigation cannot be completed within this period, a new and definite period of one month is given to the commission.

The report is distributed within ten days from the date it is submitted to the Presidency and is discussed in the General Assembly within ten days from its distribution. The Grand National Assembly of Turkey may decide to refer it to the Supreme Court by secret ballot of two-thirds of the total number of members. The Supreme Court's trial is completed within three months, and if it cannot be completed within this period, an additional three-month period is given for once, and the trial is finalized within this period.

Crimes alleged to have been committed by these persons in relation to their duties during their tenure  
The provisions of the fifth, sixth and seventh paragraphs are applied even after their duties are over.

Vice President who has been convicted of a crime preventing election in the Supreme Court, or  
the minister's term ends.

Vice-presidents and ministers to legislate for crimes unrelated to their duties  
benefit from the provisions on immunity.

Establishment, abolition, duties and authorities of ministries, organizational structure and central and provincial  
Establishment of organizations is regulated by presidential decree.

*Secretary General of the G. President of the*  
*Republic* **Article 107 – (Abolished: 21/1/2017-6771/16 art.)**

#### *H. State Supervisory Board*

**Article 108** – In order to ensure the lawfulness of the administration, its regular and efficient execution and development, the State Supervisory Board, established under the Presidency, is a public institution, at the request of the President, in all public institutions and organizations and in any organization where more than half of these institutions and organizations participate. It carries out all kinds of administrative investigations, examinations, researches and inspections in professional organizations, workers' and employers' professional organizations at all levels, publicly-beneficial associations and foundations.

50

(...) <sup>51</sup> judicial bodies are outside the jurisdiction of the State Supervisory Board.

The President and members of the State Supervisory Board are appointed by the President. <sup>52</sup>

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<sup>50</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, before the "examination" phrase in this paragraph  
The phrase "administrative investigation" has been added to

<sup>51</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Armed Forces and" in this paragraph has been removed  
from the text of the article.

<sup>52</sup> With the Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "President among the members and members, among  
the persons with the qualifications specified in the law" has been changed as "President and members".

The functioning of the State Supervisory Board, the term of office of its members and other personnel matters,  
It is regulated by presidential decree.

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## *II. Council of Ministers*

### *A. Establishment*

**Article 109 – (Repealed: 21/1/2017-6771/16 art.)**

### *B. Induction and vote of confidence*

**Article 110 – (Repealed: 21/1/2017-6771/16 art.)**

### *C. Vote of confidence during duty*

**Article 111 – (Repealed: 21/1/2017-6771/16 art.)**

### *D. Duty and political responsibility*

**Article 112 – (Repealed: 21/1/2017-6771/16 art.)**

### *E. Establishment of ministries and ministers*

**Article 113 – (Repealed: 21/1/2017-6771/16 art.)**

### *F. Provisional Council of Ministers in elections*

**Article 114 – (Repealed: 21/1/2017-6771/16 art.)**

### *G. Statutes*

**Article 115 – (Repealed: 21/1/2017-6771/16 art.)**

*H. Renewal of the Turkish Grand National Assembly and Presidential elections* **Article 116 –  
(Amended: 21/1/2017-6771/11 art.)**

54

The Turkish Grand National Assembly may decide to renew the elections with a three-fifths majority of the total number of members. In this case, the general election of the Grand National Assembly of Turkey and the Presidential election are held together.

In case the President decides to renew the elections, the Grand National Assembly of Turkey  
The general election of the Assembly and the Presidential election are held together.

If the Assembly decides to renew the elections during the second term of the President, the President can be a candidate once more.

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<sup>53</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "by law" in this paragraph was changed to "by presidential decree".

<sup>54</sup> While the margin title of this article was "Renewal of the H. Turkish Grand National Assembly elections by the President", it was changed as it was written in the text with Article 11 of the Law No. 6771 dated 21/1/2017.

The power and authority of the Assembly and the President, whose elections are decided to be renewed together their duties continue until the new Assembly and the President take office.

The terms of office of the Assembly and the President elected in this way are also five years.

## *I. National Defense*

### *1. Commander-in-Chief and Chief of General Staff*

**Article 117** – The Commander-in-Chief cannot be separated from the spiritual existence of the Turkish Grand National Assembly and represented by the President.

Ensuring national security and preparing the Armed Forces for homeland defense,  
The President is responsible to the Turkish Grand National Assembly. <sup>55</sup>

Chief of General Staff appointed by the President; Commander of the Armed Forces,  
The Commander-in-Chief performs his duties on behalf of the Presidency. <sup>56</sup>

**(Abrogated fourth paragraph: 21/1/2017-6771/16 art.)**

**(Repealed fifth paragraph: 21/1/2017-6771/16 art.)**

### *2. National Security Council*

**Article 118 – (Amended first paragraph: 3/10/2001-4709/32 art.)** National Security Council; Under the chairmanship of the President, Vice Presidents, Justice, National Defense, Internal Affairs,  
It is formed by the Ministers of Foreign Affairs, the Chief of the General Staff, and the commanders of the Land, Naval and Air Forces. <sup>57</sup>

Depending on the nature of the agenda, relevant ministers and persons may be invited to the Board meetings and their opinions may be taken.

**(Amended first sentence: 3/10/2001-4709/32 art.)** National Security Council; It notifies the President of the Republic of Turkey's recommendations on the determination, determination and implementation of the national security policy of the state and its views on ensuring the necessary coordination. Decisions regarding the measures that the Board deems necessary regarding the existence and independence of the State, the integrity and indivisibility of the country, and the protection of the peace and security of the society are evaluated by the President.

58 59

The agenda of the National Security Council; Vice Presidents and Chief of Staff

It is arranged by the President, taking into account the recommendations of the President. <sup>60</sup>

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<sup>55</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Council of Ministers" in this paragraph Changed to "President".

<sup>56</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the beginning of this paragraph is "By the President". "assigned" has been added.

<sup>57</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Prime Minister, Chief of General Staff, Deputy Prime Ministers" is replaced by "Deputies of the President," "Land, Naval and Air Force Commanders and Gendarmerie General Commander" The Chief of the General Staff has been changed from the Commanders of the Land, Naval and Air Forces".

<sup>58</sup> With Article 32 of the Law No. 4709 dated 3/10/2001, in this paragraph; "Primarily Considered" The wording has been changed to "evaluated".

<sup>59</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "To the Council of Ministers" in this paragraph was changed to "President" and the phrase "By the Council of Ministers" to "By the President".

<sup>60</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Prime Minister" in this paragraph was changed to "Deputies of the President".

When the President is not able to attend, the National Security Council is appointed by the vice-president.

meets under the chairmanship of <sup>61</sup>

The organization and duties of the Secretariat General of the National Security Council are regulated by presidential decree.

<sup>62</sup>

*III. Emergency management (...)* <sup>63</sup>

<sup>64</sup>

(...) <sup>65</sup>

**Article 119 – (Amended: 21/1/2017-6771/12 art.)**

President; war, the emergence of a situation that will require war, mobilization, uprising, a strong and active uprising against the homeland or the Republic, the spread of acts of violence that endanger the indivisibility of the country and the nation internally or externally, the emergence of widespread acts of violence aimed at destroying the constitutional order or fundamental rights and freedoms. may declare a state of emergency for a period not exceeding six months, in the whole or in a region of the country, in case of serious disruption of public order due to acts of violence, natural disaster or dangerous epidemic disease or severe economic depression.

The decision to declare the state of emergency is published in the Official Gazette on the day it is given and submitted to the approval of the Turkish Grand National Assembly on the same day.

If the Grand National Assembly of Turkey is in recess, it is immediately called to the meeting; Parliament deems necessary. otherwise, it may shorten, extend or abolish the state of emergency.

At the request of the President of the Turkish Grand National Assembly, not to exceed four months each time. may extend the period. This four-month period is not sought in cases of war.

The money, property and work obligations to be brought for citizens in cases of emergency and how fundamental rights and freedoms will be limited or temporarily suspended in line with the principles in Article 15, which provisions will be applied and how the transactions will be carried out are regulated by law.

In cases of emergency, the President may issue a Presidential decree on matters necessitated by the state of emergency, without being subject to the limitations set forth in the second sentence of the seventeenth paragraph of Article 104. These decrees having the force of law are published in the Official Gazette and submitted to the Assembly for approval on the same day.

Except for the case that the Turkish Grand National Assembly cannot convene due to war and force majeure; Presidential decrees issued during the state of emergency within three months

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<sup>61</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Prime Minister" in this paragraph was changed to "Vice President".

<sup>62</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "by law" in this paragraph was changed to "by presidential decree".

<sup>63</sup> With the 12th article of the Law No. 6771 dated 21/1/2017, "III. The margin of the article as "Extraordinary administrative procedures" has been changed as it is included in the text.

<sup>64</sup> With the 12th article of the Law dated 21/1/2017 and numbered 6771, this article is "A. The margin title "States of Emergency" has been removed from the text.

<sup>65</sup> With the 12th article of the Law dated 21/1/2017 and numbered 6771, the "1. The margin title, "Declaration of state of emergency due to natural disaster and severe economic depression" has been removed from the text.

It is discussed and decided in the National Assembly. Otherwise, the Presidential decree issued in cases of emergency will automatically be repealed.

*2. Due to the widespread violence and serious disruption of public order,*

*declaration of emergency*

**Article 120 – (Repealed: 21/1/2017-6771/16 art.)**

*3. Arrangement regarding emergency situations*

**Article 121 – (Repealed: 21/1/2017-6771/16 art.)**

*B. Martial law, mobilization and state of war*

**Article 122 – (Repealed: 21/1/2017-6771/16 art.)**

*IV. Administration*

*A. Principles of administration*

*1. Integrity of the administration and public legal personality*

**Article 123** – The administration is a whole with its organization and duties and is regulated by law. The establishment and duties of the administration are based on the principles of central administration and local administration.

A public legal entity is established by law or by presidential decree.

66

*2. Regulations*

**Article 124** – The President of the Republic, ministries and public legal entities may issue regulations in order to ensure the implementation of the laws and Presidential decrees concerning their fields of duty, provided that they are not contrary to them.

67

Which regulations will be published in the Official Gazette shall be specified in the law.

*B. Judicial remedy*

**Article 125** – Judicial remedy is open against all kinds of actions and actions of the administration. **(Additional provision: 13/8/1999-4446/2 art.)** In concession terms and contracts related to public services, disputes arising from these may be resolved through national or international arbitration. International arbitration can only be made for disputes with foreign elements.

(...) **(Additional sentence: 7/5/2010-5982/11 art.)** (...)68 Judicial remedy is available against all kinds of dismissal decisions, except for promotion procedures and retirement due to lack of staff, by the Supreme Military Council.

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<sup>66</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "only by law or on the basis of the authority expressly granted by the law" has been changed to "by law or by presidential decree".

<sup>67</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "Prime Minister" in this paragraph was changed to "President" and the phrase "bylaws" was changed to "Presidential decrees".



In lawsuits to be filed against administrative actions, the period starts from the date of written notification.

**(Amended first sentence: 7/5/2010-5982/11 art.)** Jurisdiction is limited to the control of the legality of administrative actions and transactions, and cannot be used as a control of expediency under any circumstances. Judicial decision cannot be made in a way that restricts the execution of the executive duty in accordance with the forms and principles set forth in the laws, in the nature of an administrative act and transaction, or in a way that removes the discretionary power.

In case of the implementation of the administrative action, in the event that irreparable or impossible damages arise and the conditions that the administrative action is clearly unlawful, a stay of execution may be decided by giving justification.

In cases of emergency, (...)69 mobilization and war, the law also covers national security, public order may limit the decision of stay of execution for general health reasons.

The administration is obliged to pay the damages arising from its own actions and transactions.

#### *C. Establishment of the administration*

##### *1. Central administration*

**Article 126** – Turkey, in terms of the central administration organization, geographical situation, economic

According to the conditions and the requirements of the public services, to the provinces; The provinces are also divided into other gradual divisions.

The administration of provinces is based on the principle of authority.

Covering more than one province, in order to ensure efficiency and harmony in the provision of public services. central administration can be established. The duties and powers of this organization are regulated by law.

##### *2. Local administrations*

**Article 127** – Local administrations; In order to meet the local common needs of the people of the province, municipality or village, the establishment principles are specified by law and the decision bodies are public legal entities elected by the voters, which are also indicated in the law.

The establishment, duties and powers of local administrations are carried out in accordance with the principle of decentralization. regulated by law.

**(Amended paragraph: 23/7/1995-4121/12 art.)** Elections of local administrations are held every five years in accordance with the principles in Article 67. **(Repealed second sentence: 21/1/2017-6771/16 art.)** The law may introduce special forms of administration for large settlements.

The resolution of the objections regarding the election of the elected organs of local administrations to the status of an organ and their loss shall be through the judiciary. However, as a temporary measure, the Minister of Internal Affairs may suspend the local administration bodies or members of these bodies against whom investigations or prosecutions are initiated due to a crime related to their duties, until a final decision.

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<sup>68</sup> Pursuant to Article 16 of the Law No. 6771 dated 21/1/2017, in this paragraph, "The actions to be taken by the President alone and the decisions of the Supreme Military Council are out of judicial review. However, the phrase" has been removed from the text of the article.

<sup>69</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "martial law" in this paragraph has been removed from the text of the article.

The central administration has the authority of administrative tutelage over the local administrations within the framework of the principles and procedures specified in the law in order to carry out local services in accordance with the principle of the integrity of the administration, to ensure unity in public duties, to protect the public interest and to meet local needs duly.

For the purpose of performing certain public services, local administrations establish a union among themselves with the permission of the President, their duties, powers, financial and law enforcement affairs, and mutual ties and relations with the central administration are regulated by law. These administrations are provided with income sources commensurate with their duties.

70

#### *D. Provisions regarding civil service officials*

##### *1. General principles*

**Article 128** – The essential and permanent duties required by the public services that the state, state economic enterprises and other public legal entities are obliged to carry out in accordance with the principles of general administration are carried out by civil servants and other public officials.

Qualifications, appointments, duties and powers, rights and obligations, salaries and allowances and other personnel matters of civil servants and other public officials are regulated by law. **(Additional sentence: 7/5/2010-**

**5982/12 art.)** However, the provisions of collective agreements regarding financial and social rights are reserved.

The methods and principles of training senior managers are regulated specifically by law.

##### *2. Duties and responsibilities, assurance in disciplinary proceedings*

**Article 129** – Civil servants and other public officials abide by the Constitution and laws.  
are responsible for their activity.

Civil servants and other public officials and professional organizations in the nature of public institutions and  
Unless the right of defense is granted to the members of their higher organizations, disciplinary punishment cannot be imposed.

**(Amended third paragraph: 7/5/2010-5982/13 art.)** Disciplinary decisions are out of judicial review.  
cannot be left.

Provisions regarding members of the Armed Forces, judges and prosecutors are reserved.

Claims for damages arising from the faults committed by civil servants and other public officials while exercising their powers can only be brought against the administration, provided that they are revoked and in accordance with the form and conditions indicated by the law.

The criminal prosecution of civil servants and other public officials for the crimes they are alleged to have committed is subject to the permission of the administrative authority indicated by the law, except for the exceptions determined by the law.

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<sup>70</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the "Council of Ministers" in this paragraph  
The wording was changed to "President".

*E. Higher education institutions and higher institutions*

*1. Institutions of higher education*

**Article 130** – With the aim of raising manpower suitable for the needs of the nation and the country in an order based on contemporary education and training principles; Universities with public legal personality and scientific autonomy consisting of various units based on secondary education at various levels of education, scientific research, publication and consultancy, and serving the country and humanity are established by law.

According to the procedures and principles set forth in the law, foundations may be established, provided that they are not for profit purposes. Higher education institutions that are subject to the supervision and control of the State may be established.

The law oversees the balanced spread of universities across the country.

Universities, faculty members and their assistants may freely engage in all kinds of scientific research and publications. However, this authority does not give freedom to act against the existence and independence of the State and the integrity and indivisibility of the nation and country.

Universities and their affiliated units are under the supervision and control of the State, and security services are provided by the State.

According to the procedures and principles determined by the law; Rectors are elected and appointed by the President, and deans by the Council of Higher Education.

University administrative and supervisory bodies and teaching staff; They cannot be suspended from their duties by authorities other than the Council of Higher Education or the authorized bodies of universities.

Budgets prepared by universities; After examination and approval by the Council of Higher Education, it is submitted to the Ministry of National Education and is put into effect and supervised by being processed in accordance with the principles on which the central government budget is attached.

71

The establishment and organs of higher education institutions and their functioning and their election, duties, powers and responsibilities, the methods of using the right of supervision and control of the State over universities, the duties, titles, appointment, promotion and retirement of academic staff, training of lecturers, public institutions and other public institutions of universities and lecturers. relations with institutions, education levels and durations, admission to higher education, attendance and fees to be charged, principles related to state aids, disciplinary and criminal affairs, financial affairs, personnel rights, conditions to be met by lecturers, assignment of lecturers according to inter-university needs, education and teaching It is regulated by law that the financial resources provided by the State to the Higher Education Council and universities are used in freedom and security and in accordance with the requirements of modern science and technology.

Higher education institutions established by foundations are subject to the provisions of the Constitution for higher education institutions established by the State, in terms of academic studies, provision of teaching staff and security, apart from financial and administrative matters.

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<sup>71</sup> With the 1st article of the Law No. 5428 dated 29/10/2005, the phrase "general and annexed budgets" in this paragraph was changed to "central government budget".

## *2. Higher Education Supreme Institutions*

**Article 131** – To plan, organize, manage and supervise the education of higher education institutions, to direct the educational and scientific research activities in higher education institutions, to ensure that these institutions are established and developed in line with the purposes and principles specified in the law, and that the resources allocated to universities are used effectively and the Council of Higher Education in order to plan for the training of teaching staff.

is installed.

**(Amended second paragraph: 7/5/2004-5170/8 art.)** The Council of Higher Education, among the candidates elected by universities and whose numbers, qualifications and selection procedures are determined by law, give priority to the professors who have served successfully in the rectorate and teaching positions, and the members appointed by the President and It is composed of members directly elected by the President.

72

The organization, duties, powers, responsibilities and working principles of the Board are regulated by law.

## *3. Higher education institutions subject to special provisions*

**Article 132** - Higher education institutions affiliated to the Turkish Armed Forces and the security organization subject to the provisions of special laws.

## *F. Radio and Television Supreme Council, radio and television organizations and public news agencies Article 133 -*

**(Amended: <sup>72</sup>8/7/1993-3913/1 art.)**

Conditions to be regulated by law to establish and operate radio and television stations framework is free.

**(Additional paragraph: 21/6/2005-5370/1 art.)** Radio and Television Supreme Council, which was established to regulate and supervise radio and television activities, consists of nine members. Members are elected by the General Assembly of the Grand National Assembly of Turkey, based on the number of members per political party group, among the candidates to be nominated as twice the number of members to be determined in proportion to the number of members of the political party groups. The establishment, duties and powers of the Radio and Television Supreme Council, qualifications of its members, election procedures and terms of office shall be regulated by law.

With the only radio and television institution established by the state as a public legal entity, The autonomy of news agencies assisted by their legal entities and the impartiality of their publications are essential.

## *G. Atatürk High Council of Culture, Language and History*

**Article 134** – In order to scientifically research, promote and disseminate Atatürkist thought, Atatürk's principles and reforms, Turkish culture, Turkish history and Turkish language, and to make publications; Under the spiritual auspices of Atatürk, under the supervision and support of the President,

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<sup>72</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "and by the Council of Ministers" in this paragraph has been changed to "by".

<sup>73</sup> While the margin title of this article was "F. Radio and television organizations and news agencies related to the public", it has been changed as it is included in the text with Article 1 of the Law No. 5370 dated 21/6/2005.

depending on the minister to be appointed; "Atatürk Culture, Language and History High Institution" with public legal personality consisting of Atatürk Research Center, Turkish Language Institution, Turkish Historical Society and Atatürk Cultural Center is established.

74

For the Turkish Language Association and the Turkish Historical Society, the financial statements specified in Atatürk's will benefits are reserved and allocated to them.

Atatürk Culture, Language and History High Institution; establishment, organs, working procedures and Personnel affairs and their authority over the institutions included in its establishment are regulated by law.

#### *H. Professional organizations in the nature of public institutions*

**Article 135** – Professional organizations and higher organizations in the nature of public institutions; Established by law in order to protect the professional discipline and morality in order to meet the common needs of those who belong to a certain profession, to facilitate their professional activities, to ensure the development of the profession in accordance with the general interests, to ensure honesty and trust in the relations of the members of the profession with each other and with the public, and their bodies are established by their own members. They are public legal entities elected by secret ballot under the supervision of the judiciary in accordance with the procedures laid down in the law.

Employees working in primary and permanent positions in public institutions and organizations and state economic enterprises are not required to join professional organizations.

**(Amended paragraph: 23/7/1995-4121/13 art.)** These professional organizations, apart from their establishment purposes they cannot operate.

**(Amended paragraph: 23/7/1995-4121/13 art.)** These professional organizations and their superior organizations Political parties cannot nominate candidates in elections.

**(Amended paragraph: 23/7/1995-4121/13 art.)** Administrative and administrative functions of the State over these professional organizations The rules on financial control are regulated by law.

**(Amended paragraph: 23/7/1995-4121/13 art.)** Responsible bodies of professional organizations operating outside of their purposes are terminated by a court decision upon the request of the authority determined by the law or the public prosecutor, and new ones are elected in their place.

**(Amended paragraph: 23/7/1995-4121/13 art.)** However, in cases where national security, public order, preventing the commission of a crime or the continuation of the crime or catching require delay,

If there is a problem, an authority may be authorized by law to prohibit professional organizations or higher organizations from operating. The decision of this authority is submitted to the approval of the judge in charge within twenty-four hours.

The judge announces his decision within forty-eight hours; otherwise, this administrative decision is automatically annulled.

#### *I. Presidency of Religious Affairs*

**Article 136** – The Presidency of Religious Affairs, which is within the general administration, fulfills the duties specified in its special law, in line with the principle of secularism, staying out of all political views and thoughts and aiming at national solidarity and integration.

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<sup>74</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "to the Prime Ministry" in this paragraph It has been changed to "Minister to be appointed by the President".

*J. Unlawful order*

**Article 137** – If a person working in public services in any capacity or form considers an order from his superior to be contrary to the provisions of the regulation, Presidential decree, law or the Constitution, he will not fulfill it and notify the person who gave that order. However, if his superior insists on his order and renews it in writing, the order is fulfilled; In this case, the person carrying out the order is not responsible. <sup>75</sup>

An order, the subject of which constitutes a crime, is not carried out under any circumstances; executor cannot escape responsibility.

Exceptions stipulated by law are reserved for military services and for the protection of public order and public security in urgent cases.

### THIRD PART

*Judgment*

*I. General provisions*

*A. Independence of the courts*

**Article 138** – Judges are independent in their duties; Consistent with the Constitution, the law and the law They make judgments according to their conscience.

No organ, authority, authority or person is subject to courts and cannot give orders and instructions to judges; cannot send circulars; cannot make recommendations or suggestions.

Concerning the exercise of jurisdiction in the Legislative Assembly over a pending case No questions can be asked, no interviews can be made or any statement can be made.

The legislative and executive organs and the administration must comply with court decisions; These organs and the administration cannot change the court decisions in any way and cannot delay their execution.

*B. Guarantee of judgeship and prosecution*

**Article 139** – Judges and prosecutors cannot be dismissed, they cannot retire before the age indicated in the Constitution unless they want to; Even if a court or staff is abolished, they cannot be deprived of their salary, allowance and other personal rights.

Exceptions in the law are reserved for those who have been convicted of a crime requiring dismissal from the profession, those who are clearly understood to be unable to fulfill their duties in terms of health, or those who are decided not to remain in the profession.

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<sup>75</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "bylaw" in this paragraph was changed to "Presidential decree".

*C. The profession of judge and prosecutor*

**Article 140** – Judges and prosecutors serve as judges and prosecutors of civil and administrative jurisdictions.

These duties are carried out by professional judges and prosecutors.

Judges perform their duties in accordance with the principles of the independence of the courts and the security of tenure.

Judges and prosecutors' qualifications, appointments, rights and duties, salaries and allowances, career advancement, temporary or permanent change of duties and places of duty, disciplinary proceedings against them and disciplinary punishments, investigations and prosecutions for crimes they have committed in relation to or during their duties. are regulated by law in accordance with the principles of the independence of the courts and the guarantee of judgeship, in cases of guilt or incompetence requiring dismissal from the profession, and in-service training and other personnel matters.

Judges and prosecutors serve until they reach the age of sixty-five; age of military judges limit, promotion and retirement are indicated in the law.

Judges and prosecutors cannot take on any official or private duties other than those specified in the law.

Judges and prosecutors are subordinate to the Ministry of Justice in terms of their administrative duties.

Those who are judges and prosecutors and work in administrative positions in the justice service are subject to the provisions on judges and prosecutors. They are classified and graded on the basis of the principles of judges and prosecutors, and enjoy all the rights granted to judges and prosecutors.

*D. Open hearings and reasoned decisions*

**Article 141** – Hearings in the courts are open to everyone. A decision may be made to hold some or all of the hearings in private only in cases where public morals or public safety make it absolutely necessary.

Special provisions shall be made by law regarding the prosecution of minors.

All decisions of all courts are written with reasons.

It is the duty of the judiciary to conclude cases with the least expense and as quickly as possible.

*E. Establishment of courts*

**Article 142** – Establishment, duties and powers, functioning and trial procedures of courts regulated by law.

**(Additional paragraph: 21/1/2017-6771/13 art.)** Military courts cannot be established other than disciplinary courts. However, in case of war, military courts may be established to hear cases of crimes committed by military personnel related to their duties.

*F. State Security Courts*

**Article 143 – (Repealed: 7/5/2004-5170/9 art.)**

*G. Supervision of justice services* <sup>76</sup>

**Article 144 – (Amended: 7/5/2010-5982/14 art.)**

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<sup>76</sup> The margin of this article is "G. Supervision of judges and prosecutors", it has been changed as it is in the text with Article 14 of the Law No. 5982 dated 7/5/2010.

Supervision of justice services and prosecutors by the Ministry of Justice in terms of their administrative duties, justice inspectors and internal auditors from the profession of judges and prosecutors; research, examination and investigation procedures are carried out by the justice inspectors. The procedures and principles regarding this shall be regulated by law.

#### *H. Military jurisdiction*

#### **Article 145 – (Repealed: 21/1/2017-6771/16 art.)**

#### *II. supreme courts*

#### *A. The Constitutional Court*

##### *1. Establishment*

#### **Article 146 – (Amended: 7/5/2010-5982/16 art.)**

The Constitutional Court is composed of fifteen members. <sup>77</sup>

Grand National Assembly of Turkey; It elects two members from among its own chairman and members of the General Assembly of the Court of Accounts, among three candidates for each vacant position, and one member by secret voting from among three candidates nominated by the presidents of the bar association. In this election to be held in the Grand National Assembly of Turkey, two-thirds of the total number of members in the first voting and absolute majority of the total number of members in the second voting are required for each vacant membership. If an absolute majority is not achieved in the second ballot, a third ballot is held for the two candidates who received the most votes in this ballot; The candidate member who gets the most votes in the third ballot is elected.

President; Three members from among the three candidates nominated by the Supreme Court of Appeals and two members by the General Assembly of the Council of State (...)78 from among their own chairman and members for each vacant position; Three candidates, at least two of whom are lawyers, will be nominated by the Council of Higher Education from among the faculty members working in the fields of law, economics and political sciences of higher education institutions that are not its own members; selects four members from among top-level managers, self-employed lawyers, first-class judges and prosecutors, and rapporteurs of the Constitutional Court who have served as rapporteurs for at least five years.

In the elections to be held from the Supreme Court, the Council of State (...)79, the Court of Accounts general assemblies and the Council of Higher Education to be a member of the Constitutional Court, the three candidates with the most (...)80 votes are deemed to have been nominated for each vacant membership. In the election to be held for the three candidates to be nominated by the presidents of the bar associations from among the free lawyers (...)81, the three people who receive the most votes are deemed to have been nominated.

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<sup>77</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "seventeen" in this paragraph is replaced by "fifteen". was changed to.

<sup>78</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, in this paragraph, "a member of the Military Court of Cassation, The phrase "Military High Administrative Court" has been removed from the text of the article.

<sup>79</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "Military Court of Cassation, Military The phrase "High Administrative Court" has been removed from the text of the article.

<sup>80</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 repeated, in the first sentence of this paragraph "... a member can only vote for a candidate; ..." statement has been cancelled.

<sup>81</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 repeated, in the second sentence of this paragraph "... A president of a bar association may vote for only one candidate and ..." is revoked.



In order to be elected as a member of the Constitutional Court, provided that the age of forty-five is completed; faculty members of higher education institutions must have earned the title of professor or associate professor, lawyers must have practiced law for at least twenty years, senior managers must have received higher education and have worked in public service for at least twenty years, and first-class judges and prosecutors must have worked for at least twenty years, including candidacy.

Four of the members of the Constitutional Court by secret ballot and absolute majority of the total number of members.

A President and two vice presidents are elected for each year. Those whose term has expired can be re-elected.

Members of the Constitutional Court cannot take on any official or private duties other than their primary duties.

## *2. Term of office of members and termination of membership* 82

**Article 147 – (Amended first paragraph: 7/5/2010-5982/17 art.)** Members of the Constitutional Court are elected for twelve years. A person cannot be elected a member of the Constitutional Court twice. Members of the Constitutional Court retire when they reach the age of sixty-five. The employment of the members whose term of office expires before the compulsory retirement age, and their personal affairs shall be regulated by law.

Membership of the Constitutional Court automatically, if a member is convicted of a crime that requires dismissal from the profession of judge; If it is clearly understood that he cannot fulfill his duty in terms of health, the Constitutional Court ends with the decision of the absolute majority of the total number of members.

## *3. Duties and Powers* 83

**Article 148 –** The Constitutional Court audits the conformity of laws, presidential decrees and the Rules of Procedure of the Grand National Assembly of Turkey with the Constitution in terms of form and substance, and decides on individual applications. The constitutional amendments are examined and inspected only in terms of form. However, a lawsuit cannot be brought before the Constitutional Court on the allegation that the presidential decrees issued in times of emergency (...)84 and in times of war are unconstitutional in terms of form and substance.

Auditing the laws in terms of form, whether the final vote was made with the prescribed majority; In constitutional amendments, it is limited to the issues of compliance with the proposal and voting majority and the condition that it cannot be discussed immediately. Supervision in terms of form may be requested by the President of the Republic or by one-fifth of the members of the Turkish Grand National Assembly.

After ten days from the date of publication of the law, an action for annulment based on deformity cannot be filed; Nor can it be asserted via defi.

**(Additional paragraph: 7/5/2010-5982/18 art.)** Everyone is entitled to the public power of any of the fundamental rights and freedoms guaranteed in the Constitution, within the scope of the European Convention on Human Rights.

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<sup>82</sup> *With Article 17 of the Law No. 5982 dated 7/5/2010, the margin of this article is "2. Your membership expires It has been changed to the way it is written in the text.*

<sup>83</sup> *With Article 18 of the Law No. 5982 dated 7/5/2010, the first paragraph of this article The phrase "and decides on individual applications" has been added to the end of the sentence.*

<sup>84</sup> *With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "martial law" in this paragraph was removed from the text of the article; The phrases of "decrees with the force of law" have been changed to "Presidential decrees".*

may apply to the Constitutional Court with the allegation that it has been violated. In order to apply, the usual legal remedies must have been exhausted.

**(Additional paragraph: 7/5/2010-5982/18 art.)** In individual application, no examination can be made on the issues that must be observed in legal proceedings.

**(Additional paragraph: 7/5/2010-5982/18 art.)** Procedures and principles regarding individual application are determined by law . is arranged.

The President of the Constitutional Court, the President of the Grand National Assembly of Turkey, the vice-presidents, ministers, the Constitutional Court, the Court of Cassation, the Council of State (...)85 the President and its members, the Chief Public Prosecutor, the Deputy Chief Public Prosecutor, the Council of Judges and Prosecutors (...)86 and the Court of Accounts President and their members are charged with crimes related to their duties. as the Supreme Court. 87 88

**(Additional paragraph: 7/5/2010-5982/18 art.)** Chief of General Staff, Land, Naval and Air Forces  
Their commanders (...)89 are also tried in the Supreme Court for crimes related to their duties.

Chief Public Prosecutor or Deputy Chief Public Prosecutor in the Supreme Court  
it does.

**(Amended fifth paragraph: 7/5/2010-5982/18 art.)** An application for re-examination can be filed against the decisions of the Supreme Court. Decisions made by the General Assembly as a result of re-examination are final.

The Constitutional Court also fulfills other duties assigned by the Constitution.

#### *4. Working and trial procedure*

#### **Article 149 – (Amended: 7/5/2010-5982/19 art.)**

The Constitutional Court works in two divisions and the General Assembly. The departments meet under the chairmanship of the vice-chairman with the participation of four members. The General Assembly convenes with at least ten members under the chairmanship of the President of the Court or the deputy chairman to be determined by the President. The Departments and the General Assembly take their decisions by absolute majority. Commissions may be formed for the admissibility review of individual applications.

90

With the capacity of the Supreme Court, the cases and applications regarding the political parties, the cancellation and objection cases. The proceedings to be carried out are reviewed by the General Assembly, and individual applications are decided by the departments.

Annulment of the constitutional amendment, the closure of political parties or the absence of State aid.

A two-thirds majority of the members attending the meeting is required for the decision to leave the meeting.

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<sup>85</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "Military Court of Cassation, Military  
The phrase "High Administrative Court" has been removed from the text of the article.

<sup>86</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in this paragraph is included in the article.  
removed from the text.

<sup>87</sup> With the 18th article of the Law No. 5982 dated 7/5/2010, the "President" in this paragraph,  
The phrase "President of the Grand National Assembly of Turkey" has been added to come after the phrase.

<sup>88</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "Council of Ministers" in this paragraph  
The phrase "members of the President" has been changed to "Deputies of the President, Ministers".

<sup>89</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "and Gendarmerie General  
The phrase "Commander" has been removed from the text of the article.

<sup>90</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "twelve" in this paragraph is replaced by "ten".  
was changed to.

Actions for annulment based on deformity are primarily examined and decided by the Constitutional Court.

The establishment of the Constitutional Court, the proceedings of the General Assembly and sections, the disciplinary affairs of the President, the vice presidents and the members; The working principles of the court, the formation of departments and commissions and the division of labor are regulated by its own Rules of Procedure.

The Constitutional Court, as the Supreme Court, examines the cases on the file, except for the cases it handles. However, it may be decided to hold a hearing in individual applications. The Court may also call the relevant persons and those who have knowledge on the subject to listen to their oral explanations when it deems necessary, and in cases regarding the closure of political parties, the general presidency of the political party requested to be dissolved after the Chief Public Prosecutor of the Court of Cassation or a representative to be appointed by it. It listens to his defense.

#### *5. Action for annulment*

**Article 150** – The right to file an action for annulment directly in the Constitutional Court with the allegation that laws, Presidential decrees, the Internal Regulations of the Grand National Assembly of Turkey or certain articles and provisions thereof are inconsistent with the Constitution in terms of form and substance, grants the President, the two political party groups with the highest number of members in the Grand National Assembly of Turkey, and  
It belongs to members in the amount of at least one-fifth of the total number of members. **(Repealed last sentence: 21/1/2017-6771/16 art.)**<sup>91</sup>

#### *6. Time to file a lawsuit*

**Article 151** – The right to file an annulment case directly at the Constitutional Court expires sixty days after the publication of the law, presidential decree or bylaws requested to be annulled in the Official Gazette.

92

#### *7. Claiming unconstitutionality in other courts*

**Article 152** – If the court hearing a case deems the provisions of an applicable law or presidential decree to be unconstitutional, or if it considers that the alleged contradiction of one of the parties is serious, it stays the case until the decision of the Constitutional Court on this matter.

93

If the court does not consider the claim of unconstitutionality to be serious, this claim is decided by the appeal authority together with the main provision.

The Constitutional Court gives its decision and announces it within five months, starting with the arrival of the case. If no decision is made within this period, the court will decide the case in accordance with the provisions of the applicable law.

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<sup>91</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "decree laws" in this paragraph is in the form of "Presidential decrees", the phrase "Government and main opposition party Parliamentary groups and the Grand National Assembly of Turkey" is in the "Turkish Grand National Assembly". two political party groups with more members and". With the 16th article of the Law No. 6771 dated 21/1/2017, it is stated in this paragraph that  
<sup>92</sup>

Decree" was changed to "Presidential Decree".

<sup>93</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "decree law" in this paragraph was changed to "Presidential decree".

concludes. However, if the decision of the Constitutional Court comes until the decision on the merits becomes final, the court has to comply with it.

Unless ten years have passed after the publication in the Official Gazette of the refusal decision of the Constitutional Court, it cannot be re-applied with the claim that the same provision of law is unconstitutional.

#### **8. Decisions of the Constitutional Court Article**

**153** – Decisions of the Constitutional Court are final. Cancellation decisions can not be made without justification.

While the Constitutional Court annuls all or a provision of a law or presidential decree, it cannot act as a legislator and make a provision that will lead to a new application.

94

The law, the Presidential decree or the Rules of Procedure of the Grand National Assembly of Turkey or their provisions shall be repealed on the date the annulment decisions are published in the Official Gazette.

Where necessary, the Constitutional Court may also decide on the date on which the annulment provision will enter into force. This date cannot exceed one year starting from the day the decision is published in the Official Gazette.

95

In cases where the entry into force of the annulment decision is postponed, the Turkish Grand National Assembly first discusses and decides on the law (...)96 proposal that will fill the legal gap created by the annulment decision.

Cancellation decisions are not retroactive.

The decisions of the Constitutional Court are immediately published in the Official Gazette and bind the legislative, executive and judicial organs, administrative authorities, real and legal persons.

#### **B. Supreme Court**

**Article 154** – The Court of Cassation is the final examination authority of the decisions and judgments given by the courts of justice and which the law does not leave to another judicial authority. It also considers certain cases specified by law as a court of first and last instance.

The members of the Court of Cassation are elected by the Council of Judges and Prosecutors (...)97 by the absolute majority of the total number of members and by secret ballot from among the first-class judicial judges and public prosecutors and those considered from this profession .

The First President of the Court of Cassation, the first deputy chairman and the heads of departments are elected by the General Assembly of the Court of Cassation from among their own members for four years by simple majority of the total number of members and by secret ballot; Those whose term has expired can be re-elected.

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<sup>94</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, it is stated in this paragraph that The phrase "decree" was changed to "Presidential decree".

<sup>95</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "decree law" in this paragraph was changed to "Presidential decree".

<sup>96</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "project or" in this paragraph has been removed from the text of the article.

<sup>97</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in this paragraph is included in the article. removed from the text.

The Chief Public Prosecutor of the Court of Cassation and the Deputy Chief Public Prosecutor are elected by the President of the Republic among the five candidates to be determined by secret ballot from among the members of the General Assembly of the Supreme Court for four years. Those whose term has expired can be re-elected.

The establishment and functioning of the Court of Cassation, the qualifications and election procedures of the President, the vice presidents, the heads of departments and members, the Chief Public Prosecutor and the Deputy Chief Public Prosecutor shall be regulated by law in accordance with the principles of the independence of the courts and the guarantee of judgeship.

#### *C. Council of State*

**Article 155** – The Council of State is the final examination authority of the decisions and judgments given by the administrative courts that the law does not leave to another administrative jurisdiction. It also considers certain cases specified by law as a court of first and last instance.

**(Amended second paragraph: 13/8/1999-4446/3 art.)** Council of State, to hear cases, (...)98 to express its opinion on concession terms and contracts related to public services within two months, (...)99 to resolve administrative disputes and to comply with the law. Responsible for performing other tasks shown.

Three-quarters of the members of the Council of State, first-class administrative judges and prosecutors, and among those considered from this profession, the Board of Judges and Prosecutors (...)100 ; one fourth of them is the President from among the officials whose qualifications are specified in the law; chosen by.

The President of the Council of State, the Chief Prosecutor, the deputy presidents and the heads of departments are elected by the General Assembly of the Council of State from among their own members for a four-year term by the absolute majority of the total number of members and by secret ballot. Those whose term has expired can be re-elected.

The establishment and functioning of the Council of State, the qualifications and election procedures of the President, the Chief Prosecutor, the deputy presidents, the heads of departments and members, the characteristics of the administrative judiciary, the independence of the courts and the guarantee of judgeship are regulated by law.

#### *D. Military Supreme Court*

**Article 156 – (Repealed: 21/1/2017-6771/16 art.)**

#### *E. Military High Administrative Court*

**Article 157 – (Repealed: 21/1/2017-6771/16 art.)**

#### *F. Court of Appeals*

**Article 158** – Duties and judgments between the judicial and administrative jurisdictions of the Court of Disputes is authorized to resolve disputes definitively.

101

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<sup>98</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the "Prime Minister and Ministers" in this paragraph The phrase "Draft Laws sent by the Board of Directors" has been removed from the text of the article.

<sup>99</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "draft drafts" in this paragraph to examine" was removed from the text of the article.

<sup>100</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in this paragraph is included in the article. removed from the text.

<sup>101</sup> With the 16th article of the Law No. 6771 dated 21/1/2017, the "judicial, administrative and military" in this paragraph The wording was changed to "judicial and administrative".

The establishment of the Court of Disputes, the qualifications and elections of its members and its functioning shall be regulated by law. The Presidency of this court is made by the member appointed by the Constitutional Court from among its members.

In disputes between other courts and the Constitutional Court, the Constitution  
The decision of the court is taken as the basis.

*III. Board of Judges and Prosecutors (...)102*

**Article 159 – (Amended: 7/5/2010-5982/22 art.)**

The Council of Judges and Prosecutors (...)103 , the independence of the courts and the guarantee of judgeship  
It is established and operates according to its principles.

**(Amended paragraph: 21/1/2017-6771/14 art.)** The Council of Judges and Prosecutors consists of thirteen members; two works in circle.

**(Amended paragraph: 21/1/2017-6771/14 art.)** The Chairman of the Board is the Minister of Justice. The Undersecretary of the Ministry of Justice is a natural member of the Board. Among the judges and prosecutors of the judiciary whose three members are first class and have not lost the qualifications that require being assigned to the first class; Three members are elected by the Turkish Grand National Assembly among the members of the Court of Cassation, one member from the Council of State, three members of the faculty working in the legal branches of higher education institutions whose qualifications are specified in the law, and lawyers. It is obligatory that at least one of the members selected from among the faculty members and lawyers must be a faculty member and at least one of them must be a lawyer. Applications for the membership of the Board to be elected by the Turkish Grand National Assembly are made to the Presidency of the Assembly. The Presidency sends the applications to the Joint Commission, which is made up of the members of the Constitution and Justice Committees. The Commission appoints three candidates for each membership by a two-thirds majority of the total number of members. If the nomination process cannot be finalized in the first ballot, a three-fifths majority of the total number of members is sought in the second ballot. If a candidate cannot be determined in this voting, the nomination process is completed by the method of drawing names between the two candidates who received the most votes for each membership. The Grand National Assembly of Turkey elects separately for each member by secret ballot among the candidates determined by the Commission. Two-thirds majority of the total number of members in the first ballot; If the election cannot be concluded in this voting, a majority of three-fifths of the total number of members is sought in the second ballot. If a member cannot be elected in the second ballot, the election of members is completed by the method of drawing names between the two candidates who received the most votes.

**(Amended clause: 21/1/2017-6771/14 art.)** Members are elected for four years. Members whose term has expired can be re-elected.

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<sup>102</sup> With the 14th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in the title of this article has been removed from the text of the article.

<sup>103</sup> With the 14th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in this paragraph is included in the article. removed from the text.

**(Amended paragraph: 21/1/2017-6771/14 art.)** Election of the Board membership is made within thirty days before the expiry of the term of office of the members. If the Board membership becomes vacant before the term of office of the elected members expires, new members are elected within thirty days following the vacancy.

Except for the Minister of Justice and the Undersecretary of the Ministry of Justice, (...)104 members of the Board, during their term of office; They cannot take on any other duty other than those determined by law, or be appointed or elected to another duty by the Board.

The management and representation of the Board belongs to the Chairman of the Board. The Chairman of the Board cannot participate in the work of the departments. The Board elects the heads of departments and one of the heads of departments as vice-chairmen among its members. The president may delegate some of his powers to the vice president.

The Board carries out the procedures of admitting, appointing and transferring judicial and administrative judges and prosecutors to the profession, granting temporary authorization, promotion and grading to the first class, distributing cadres, deciding on those who are not found suitable to remain in the profession, imposing disciplinary punishments, and dismissing them from duty; decides on proposals by the Ministry of Justice to abolish a court or change its jurisdiction; In addition, it performs other duties assigned by the Constitution and laws.

Duties of judges and prosecutors; checking whether they are doing it in accordance with the law and other legislation (administrative circulars for judges); Inspectors of the Board, upon the proposal of the relevant department and the approval of the Chairman of the Board of Judges and Prosecutors (...) Investigation and examination procedures can also be carried out by a judge or prosecutor, who is more senior than the one about whom the investigation and examination will be carried out.106

No appeal can be made to the judicial authorities against the decisions of the Board, other than those related to the penalty of dismissal from profession.

A General Secretariat is established under the Board. The Secretary General is appointed by the Chairman of the Board from among the three candidates proposed by the Board, among first-class judges and prosecutors. The Board has the authority to appoint Board inspectors and judges and prosecutors to be employed in the Board temporarily or permanently, with their consent.

The Minister of Justice has the authority to appoint judges and prosecutors, justice inspectors and internal auditors from the profession of judges and prosecutors, who will be employed temporarily or permanently in the central, affiliated and related institutions of the Ministry of Justice, with their consent.

The election of the members of the Board, the formation and division of labor of the chambers, the duties of the Board and the chambers, the meeting and decision quorum, the working procedures and principles, the objections to be made against the decisions and transactions of the chambers, and the procedure for examining them, and the establishment and duties of the General Secretariat. is arranged.

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<sup>104</sup> With the 14th article of the Law No. 6771 dated 21/1/2017, the phrase "original" in this paragraph is the article. removed from the text.

<sup>105</sup> With the 14th article of the Law No. 6771 dated 21/1/2017, the phrase "High" in this paragraph is included in the article. removed from the text.

<sup>106</sup> With the 14th article of the Law No. 6771 dated 21/1/2017, the "law, regulation, The phrase "regulations and circulars" has been changed to "law and other legislation".

#### *IV. SAI*

**Article 160** – The Court of Accounts is in charge of auditing all revenues, expenditures and properties of public administrations and social security institutions within the scope of the central government budget on behalf of the Grand National Assembly of Turkey, adjudicating the accounts and transactions of those responsible, and carrying out the examination, auditing and adjudications given by laws. Regarding the final provisions of the Turkish Court of Accounts, those concerned may request a correction of the decision for once, within fifteen days from the date of the written notification. Due to these decisions, no application can be made to the administrative court. 107

Decisions of the Council of State and the Court of Accounts on taxes, similar financial obligations and duties

In disputes between them, the decisions of the Council of State are taken as the basis.

**(Additional third paragraph: 29/10/2005-5428/2 art.)** Auditing the accounts and transactions of local administrations and taking final judgments are made by the Court of Accounts.

The establishment, functioning, auditing procedures, qualifications, appointments, duties and powers of its members, rights and obligations and other personnel matters, and the guarantee of the President and members of the TCA are regulated by law.

**(Repealed last paragraph: 7/5/2004-5170/10 art.)**

### **PART FOUR**

#### **FINANCIAL AND ECONOMIC PROVISIONS**

#### **FIRST PART**

##### ***Financial Provisions***

#### *I. Budget*

##### *A. Budget and final account* <sup>108</sup>

**Article 161 – (Amendment: 21/1/2017-6771/15 art.)**

Expenditures of public administrations and public legal entities other than public economic enterprises with annual budgets.

With the beginning of the fiscal year, the preparation, implementation and control of the central government budget and special periods and procedures for investments or works and services that will last more than one year shall be regulated by law. No provision can be made in the budget law other than the provisions related to the budget.

The President submits the budget law proposal to the Turkish Grand National Assembly at least seventy-five days before the fiscal year. The budget proposal is discussed in the Budget Committee. The text to be accepted by the commission within fifty-five days is discussed in the General Assembly and decided by the end of the financial year.

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<sup>107</sup> With the article 2 of the Law No. 5428 dated 29/10/2005, the expression of "general and annexed budget departments" in this paragraph has been changed to "public administrations within the scope of the central government budget and social security institutions".

<sup>108</sup> While the title of this article is "A. Preparation and implementation of the budget", it is dated 21/1/2017 and 6771. It has been changed as it is written in the text with Article 15 of the Law No.



If the budget law cannot be put into effect in due time, a temporary budget law is enacted.

In case the temporary budget law cannot be enacted, the previous year's budget is increased according to the revaluation rate until the new budget law is adopted.

Members of the Grand National Assembly of Turkey express their opinions on public administration budgets in the General Assembly during the deliberations of each budget, and cannot make proposals to increase expenses or decrease revenues.

In the General Assembly, the public administration budgets and amendment proposals are read and voted on without further discussion.

The appropriation given by the central government budget indicates the limit of the amount that can be spent.

Provision in the budget law that the amount that can be spent can be exceeded by presidential decree cannot be placed.

Allocating financial resources to meet the foreseen expenses in proposals for amendments that foresee an increase in appropriations in the current year's budget and in proposals that impose a financial burden on the budgets of the current and subsequent years. mandatory.

The central government final account law proposal is submitted to the Grand National Assembly of Turkey by the President of the Republic, at the latest six months after the end of the relevant financial year. The TCA submits the general conformity declaration to the Assembly within seventy-five days at the latest, starting from the submission of the final account bill to which it relates.

The fact that the final account law proposal and the general declaration of conformity have been submitted to the Turkish Grand National Assembly does not prevent the audit and account proceedings that could not be concluded by the Court of Accounts for the relevant year and does not mean that they have been resolved.

The final account law proposal is discussed and decided together with the new year budget law proposal.

#### *B. Discussion of the budget*

**Article 162 – (Repealed: 21/1/2017-6771/16 art.)**

#### *C. Principles of making changes in budgets Article 163 –*

**(Repealed: 21/1/2017-6771/16 art.)**

#### *D. Final account*

**Article 164 – (Repealed: 21/1/2017-6771/16 art.)**

#### *E. Audit of state-owned enterprises Article 165 – The*

principles of auditing public institutions and partnerships, of which more than half of the capital is directly or indirectly owned by the State, by the Turkish Grand National Assembly are regulated by law.

## SECOND PART

### *Economic Provisions*

#### *I. Planning; Economic and Social Council* 109

**Article 166** – It is the duty of the State to plan the economic, social and cultural development, especially the rapid development of industry and agriculture in a balanced and harmonious manner at the national level, the efficient use of the country's resources by casting and evaluating them, and to establish the necessary organization for this purpose.

The plan envisages measures to increase national savings and production, stabilize prices and balance foreign payments, and improve investment and employment; social benefits and requirements are taken into account in investments; efficient use of resources is aimed. Development initiatives are carried out according to this plan.

The procedures and principles regarding the preparation of development plans, their approval by the Grand National Assembly of Turkey, their implementation, amendment and prevention of changes that would impair their integrity are regulated by law.

**(Additional paragraph: 7/5/2010-5982/23 art.)** An Economic and Social Council is established in order to give an advisory opinion to the President in the formulation of economic and social policies.

The establishment and functioning of the Economic and Social Council shall be regulated by law. <sup>110</sup>

#### *II. Supervision of markets and regulation of foreign trade*

**Article 167** – The state takes measures to ensure and improve the healthy and orderly functioning of money, credit, capital, goods and services markets; It prevents monopolization and cartelization that may arise as a result of actual or agreement in the markets.

Additional financial obligations other than taxes and similar obligations on import, export and other foreign trade transactions in order to regulate foreign trade for the benefit of the country's economy

The President may be empowered by law to add or remove them. <sup>111</sup>

#### *III. Exploration and exploitation of natural wealth and resources*

**Article 168** – Natural wealth and resources are under the rule and disposal of the State. The right to explore and exploit them belongs to the State. The state may transfer this right to real and legal persons for a certain period of time. Whether the exploration and operation of natural wealth and resources is carried out jointly with real and legal persons of the State or directly by real and legal persons depends on the express permission of the law. In this case, the conditions that real and legal persons must comply with, the procedures and principles of surveillance, inspection and sanctions to be made by the State shall be specified in the law.

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<sup>109</sup> The margin of this article is "I. While it was "Planning", it was changed as it was written in the text with Article 23 of the Law No. 5982 dated 7/5/2010.

<sup>110</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, the phrase "to the government" in this paragraph Changed to "President".

<sup>111</sup> With Article 16 of the Law No. 6771 dated 21/1/2017, to the "Council of Ministers" in this paragraph The wording has been changed to "President".

#### *IV. Forests and forest villager*

##### *A. Protection and development of forests*

**Article 169** – The state puts the necessary laws and takes measures for the protection of forests and the expansion of their areas. New forests are grown in the place of burning forests, other kinds of agriculture and animal husbandry cannot be done in these places. Supervision of all forests belongs to the State.

Ownership of state forests cannot be transferred. State forests are managed and operated by the State in accordance with the law. These forests cannot be owned by statute of limitations and cannot be subject to the right of easement except for the public interest.

No activities or actions that may harm forests are allowed. Political propaganda that leads to the destruction of forests cannot be made; General and special amnesty cannot be granted exclusively for forest crimes. Crimes committed with the aim of burning forests, destroying or shrinking forests cannot be included in the scope of general and special amnesty.

In areas where there is no benefit in terms of science and science in preserving as a forest, on the contrary, it is determined that there is a definite benefit in converting it to agricultural areas, and in various agricultural areas such as fields, vineyards, orchards, olive groves that have completely lost their forest quality in terms of science and science before 31/12/1981. No reduction can be made in forest borders, except for lands that are determined to be useful for use in animal husbandry or animal husbandry, and where urban, town and village structures are found collectively.

##### *B. Protection of forest villagers*

**Article 170-** Evaluation of places that have completely lost their forest quality in terms of science and science before 31/12/1981, with measures to ensure the cooperation of the State and these people in the protection and operation of the forest in terms of development of the people of the villages in or adjacent to the forests, protection of the forests and their integrity; identifying areas that are not beneficial for conservation as forests in terms of science and science, and removing them outside the forest boundaries; In order for the people of the villages in the forest to be settled in these places partially or completely, the restoration of the places mentioned by the State and their allocation for the benefit of these people shall be regulated by law.

The state takes measures to facilitate the provision of business tools and equipment and other inputs of this people.

The lands belonging to the people of the villages transferred from the forest are immediately afforested as State forest.

#### *V. Development of cooperatives*

**Article 171** – The State, taking into account the benefits of the national economy, takes measures to ensure the development of cooperatives, primarily aimed at increasing production and protecting the consumer.

**(Repealed last paragraph: 23/7/1995-4121/15 art.)**

*VI. Protection of consumers, tradesmen and craftsmen*

*A. Consumer protection*

**Article 172** – The state takes protective and enlightening measures for consumers and encourages consumers to protect themselves.

*B. Protection of artisans and craftsmen*

**Article 173** – The state takes protective and supportive measures for tradesmen and craftsmen.

**FIFTH**

**MISCELLANEOUS PROVISIONS**

*I. Protection of the laws of the Revolution*

**Article 174** – No provision of the Constitution can be understood and interpreted as the provisions of the following reform laws, which aim to raise Turkish society above the level of contemporary civilization and preserve the secular character of the Republic of Turkey, which were in force at the time the Constitution was adopted by popular vote, are inconsistent with the Constitution:

1. The Law of Unification of Education dated March 3, 1340 and numbered 430; 2. Law No. 671 on the Economy of Hats, dated 25 Teýrinisani 1341;
3. The Great Wall of Lodges, Zaviyes and Tombs dated 30 Teýrinisani 1341 and numbered 677 and Law on the Prohibition and Abolition of Tombships and Certain Titles;
4. The provisions of article 110 of the same law, on the basis of civil marriage, that the marriage contract will be made before the marriage officer, which was accepted with the Turkish Civil Code No. 743 dated 17 February 1926;
5. Law No. 1288 of 20 May 1928 on the Acceptance of International Erkam;
6. Law on Acceptance and Application of Turkish Letters, dated 1 Teýrinisani 1928 and numbered 1353;
7. Law No. 2590 of 26 Teýrinisani 1934 Removing Nicknames and Titles such as Efendi, Bey, Pasha; 8. Law No. 2596, dated 1934, on the Impossibility of Wearing Certain Apparels.

**PART SIX**

**PROVISIONAL PROVISIONS**

**Provisional Article 1** – Upon the duly proclamation of the Constitution's adoption as the Constitution of the Republic of Turkey as a result of the referendum, the President of the National Security Council and the Head of State at the date of the referendum shall assume the title of President, fulfilling the duties and exercising the powers conferred on the President by the Constitution for a period of seven years. His oath as Head of State on September 18, 1980 remains in effect. At the end of the seven-year period, the Presidential election is held in accordance with the provisions of the Constitution.

The President, the Grand National Assembly of Turkey convened as a result of the first general elections; Until the Presidency Council is formed, it also carries out the Presidency of the National Security Council, which was formed by the Law No. 2356 on 12 December 1980.

In the event that the Presidency becomes vacant for any reason, within the period that will pass until the Turkish Grand National Assembly convenes and assumes office at the end of the first general parliamentary elections, the most senior member of the National Security Council shall deputize for the President until the Turkish Grand National Assembly convenes and elects the new President according to the Constitution. It fulfills all its duties in the Constitution and uses its powers.

**Provisional Article 2** – The National Security Council, which was established with the Law No. 2356 of 12 December 1980, until the Turkish Grand National Assembly convenes and establishes the Presidency Council as a result of the first general elections to be held according to the Political Parties Law to be prepared on the basis of the Constitution and the Election Law, and the Law No. 2324 on the Constitutional Order and It continues its duties in accordance with the Law No. 2485 on the Constituent Assembly.

After the adoption of the Constitution, the provision regarding the procedure for filling a member of the National Security Council in Article 3 of the Law No. 2356 in case of any vacancy for any reason shall not be applied.

After the Turkish Grand National Assembly convenes and takes office, the National Security Council becomes the Presidential Council for a period of six years, and the Members of the National Security Council assume the title of Members of the Presidential Council. The oath they took on September 18, 1980 as a member of the National Security Council remains in effect. Members of the Presidential Council have the personal rights and immunity of the members of the Turkish Grand National Assembly in the Constitution.

At the end of the six-year period, the legal existence of the Presidential Council ceases.

The duties of the Presidential Council are: to examine, within

the first ten days of the fifteen-day period granted to the President, the laws regarding the sending of forces and the admission of foreign forces to Turkey, the emergency administration, martial law and the state of war, and other laws deemed necessary by the President;

b) At the request of the President and within the period to be determined:

To examine and give opinions on the issues related to the renewal of the parliamentary elections, the use of the extraordinary administration authority and the measures to be taken, the management and supervision of the Turkish Radio and Television Corporation, the training of the youth and the regulation of Religious Affairs;

c) To carry out examinations and research on internal and external security and other matters deemed necessary, and to present the results to the President, at the request of the President.

**Provisional Article 3** – As a result of the first parliamentary general election to be held in accordance with the Constitution, Turkey With the Grand National Assembly convening and forming the Presidency Council:

a) Law No. 2324 on the Constitutional Order of 27 October 1980, b) Law No. 2356 on the National Security Council of 12 December 1980, c) Law No. 2485 on the Constituent Assembly of 29 June 1981, annulled and with the National Security Council The legal existence of the Consultative Council ceases.

**Provisional Article 4 – (Repealed: 17/5/1987-3361/4 art.)**

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**Provisional Article 5 –** On the tenth day following the announcement by the Supreme Election Council of the result of the first parliamentary general election to be held, the Grand National Assembly of Turkey convenes spontaneously at 15.00 in the Turkish Grand National Assembly building in Ankara. This meeting is chaired by the oldest Member of Parliament. At this meeting, the deputies take their oaths.

**Provisional Article 6 –** Until its own bylaws are drawn up for the meeting and work of the Turkish Grand National Assembly, which was established according to the Constitution, the provisions of the Rules of Procedure of the National Assembly which were in force before 12 September 1980, which are not contrary to the Constitution, shall apply.

**Provisional Article 7 –** At the end of the first parliamentary general election, the duty of the Council of Ministers will continue until the Turkish Grand National Assembly convenes and the new Council of Ministers is established. it does.

**Provisional Article 8 –** Laws pertaining to the establishment, duties, powers and functioning of new organs, institutions and boards adopted by the Constitution, and other laws envisaged to be introduced or amended in the Constitution, those who could not be trained within the term of office of the Constituent Assembly, starting with the adoption of the Constitution, It is issued until the end of one year following the first meeting of the Turkish Grand National Assembly.

**Provisional Article 9 –** After the Presidency Council of the Grand National Assembly of Turkey, which will convene after the first general elections, is established, the President may send back the Constitutional amendments to be made within six years to the Grand National Assembly of Turkey. In this case, it may be possible for the Turkish Grand National Assembly to accept the law on the repealed constitutional amendment and send it back to the President with the votes of three-quarters of the total number of members.

**Provisional Article 10 –** Local administration elections are held within one year following the first meeting of the Turkish Grand National Assembly at the latest.

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<sup>112</sup> In accordance with the Law on Submission of Constitutional Amendments No. 3376 dated 25/3/1987, Law No. 3361 dated 17/5/1987 published in the Official Gazette dated 18/5/1987 and No. 19464 repeated to be submitted to the referendum. It was accepted as a result of the referendum held on No. 1957 and the Supreme Election Board Decision regarding this was published in the Official Gazette dated 12/9/1987 and numbered 19572.

**Provisional Article 11** – The cadres and duties of those who were principal and substitute members of the Constitutional Court on the date of the adoption of the Constitution by popular vote continue. Of these, the titles of those elected by the Constitutional Court to certain positions thus gained remain reserved.

Elections are not held for the vacant permanent member cadre until the number of permanent members of the Constitutional Court is reduced to eleven, and for the vacant substitute member cadre until the total number of permanent and substitute members is reduced to fifteen. Until the Constitutional Court adapts to the new regulation, the principle and order adopted by this Constitution shall be followed in the elections to be held due to the fact that the number of permanent members falls below eleven and the total number of permanent and substitute members falls below fifteen.

Until the number of the main members of the Constitutional Court is reduced to eleven, cases and works are carried out in 22/4/1962 days and 44 The meeting quorum stipulated by Law No.

**Provisional Article 12** – Pursuant to the temporary article 1 of the Law on the High Council of Judges and Prosecutors No. 2461 and dated 13/5/1981, from the Court of Cassation and the Council of State to the principal and alternate members of the Board; To the Office of the Chief Public Prosecutor and the Deputy Chief Public Prosecutor in accordance with the temporary article added to the Supreme Court Law No. 1730 with the Law No. 2483 dated 25/6/1981; Those elected by the Head of State to the Presidency of the Council of State, Office of the Chief Prosecutor, deputy presidents and departments in accordance with the second paragraph of the provisional article 14 of the Law No. Administrative courts President and President of the temporary articles of the Law No. 2576 of 6/1/1982

Provisions regarding appointments to memberships are also reserved.

**Provisional Article 13** – Elections of one principal and one substitute member to the High Council of Judges and Prosecutors from the Supreme Court shall be held within twenty days following the entry into force of the Constitution.

Until the elected members take office, the Board shall constitute the reserve quorum for the meeting. It works with the participation of the member.

**Provisional Article 14** – Concerning unions to keep their income in State banks obligations are fulfilled within two years at the latest from the date of entry into force of the Constitution.

**Provisional Article 15 – (Repealed: 7/5/2010-5982/24 art.)**

**Provisional Article 16** – Those who do not participate in the referendum without any legal or factual excuse, although they are registered in the voting register and ballot box list of the Constitution and have the ability to vote, cannot participate in the general and by-elections, local elections and other referendums to be held within five years following the constitutional referendum, They cannot be candidates in the elections.

**Provisional Article 17 – (Annex: 10/5/2007-5659/1 art.)**

In the first general election to be held after the entry into force of this Law, the last paragraph of Article 67 of the Constitution shall not be applied in terms of the provisions of the Law on Parliamentary Elections dated 10/6/1983 and numbered 2839 regarding the inclusion of independent candidates in the combined ballot paper.

**Provisional Article 18 – (Annex: 7/5/2010-5982/25 art.)**

The current substitute members of the Constitutional Court on the effective date of this Law are permanent members. gains its title.

Within thirty days from the effective date of this Law, the Grand National Assembly of Turkey elects one member from among three candidates nominated by the General Assembly of the Court of Accounts and one member by the presidents of the bar associations.

In order to nominate candidates for the election of members of the Turkish Grand National Assembly;

a) Within five days from the effective date of this Law, the President of the Turkish Court of Accounts announces the application for candidacy. Candidates apply to the Presidency within five days from the announcement date. Elections are held by the General Assembly of the Turkish Court of Accounts within five days following the end of the application date. In this election, in which each member of the Court of Accounts (...) can cast 113 votes, the three people who receive the most votes are deemed to have been nominated.

b) The Presidency of the Union of Turkish Bar Associations announces the candidacy application within five days from the effective date of this Law. Candidates apply to the Presidency of the Union of Turkish Bar Associations within five days from the date of the announcement. Elections are made by the presidents of the bar associations at the place and time indicated in the announcement of the Presidency of the Union of Turkish Bar Associations, within five days following the end of the application date. In this election, in which each bar association president can vote (...)114 , the three people who receive the most votes are deemed to have been nominated.

c) The names of those deemed to have been nominated as a result of the elections held in accordance with subparagraphs (a) and (b) are notified to the Presidency of the Turkish Grand National Assembly by the Presidency of the Court of Accounts and the Union of Turkish Bar Associations on the day following the election.

g) Elections are held in the Turkish Grand National Assembly within ten days following the notification made pursuant to subparagraph (c). In the election to be held for each vacant membership, two-thirds of the total number of members in the first vote and absolute majority of the total number of members in the second vote are sought; If an absolute majority is not achieved in the second ballot, a third ballot is held for the two candidates who received the most votes in this ballot; The candidate member who gets the most votes in the third ballot is elected.

The President selects one member each from among three candidates nominated by the Higher Education Council from among the faculty members working in the fields of law, economics and political sciences of higher education institutions that are not members of the Higher Education Council after the quota of the Supreme Court and the Council of State are vacant.

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<sup>113</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 repeated, in the last sentence of this paragraph "... for the candidate..." statement has been cancelled.

<sup>114</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 repeated, in the last sentence of this paragraph "... for the candidate..." statement has been cancelled.



Institutions that have nominated candidates for membership of the Constitutional Court with their current members and their own Reserve members selected from their quotas are taken into account in the selection of completion.

These titles of those who are still elected to certain positions in the Constitutional Court continue until the end of the term they were elected. Those who become members on the effective date of this Law shall continue their duties until the age limit.

Necessary arrangements regarding individual application are completed within two years. Application Individual applications are accepted as of the effective date of the law.

**Provisional Article 19 – (Annex: 7/5/2010-5982/25 art.)**

Within thirty days from the effective date of this Law, the following principles and Members of the High Council of Judges and Prosecutors are elected according to the following procedures:

a) The President, who does not have a condition that prevents him from being admitted to the profession of judge; It elects four members from among the faculty members who have been working in the law, (...)115 branches of higher education institutions for at least fifteen years, (...)116 and lawyers who have actually completed fifteen years in the profession. **(Annulled second sentence: With the Decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87.)**

b) The General Assembly of the Supreme Court elects three principal and three substitute members from among the members of the Court of Cassation. Within seven days from the effective date of this Law, the First President of the Court of Cassation announces the application for candidacy. Candidates apply to the First Presidency within seven days from the announcement date. The General Assembly of the Supreme Court makes an election within fifteen days from the day the application deadline ends. In the election where each member of the Supreme Court can cast (...)117 votes, the candidates who receive the most votes are elected as the principal and substitute members, respectively.

c) The General Assembly of the Council of State elects two principal and two substitute members from among the members of the Council of State. Within seven days from the effective date of this Law, the President of the Council of State announces the application for candidacy. Candidates apply to the Presidency within seven days from the announcement date. The General Assembly of the Council of State makes an election within fifteen days following the end of the application date. In the election, in which each member of the Council of State (...) can cast 118 votes, the candidates who receive the most votes are elected as principal and substitute members, respectively.

ç) The General Assembly of the Turkish Justice Academy elects one regular and one substitute member to the High Council of Judges and Prosecutors from among its members. The President of the Justice Academy of Turkey announces his candidacy application within seven days from the effective date of this Law. Candidates apply to the Presidency within seven days from the announcement date. Fifteen days from the date of application deadline

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<sup>115</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 (repeated), the first sentence of this paragraph The phrase "... economics and political sciences..." has been cancelled.

<sup>116</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 (repeated), the first sentence of this paragraph The phrase "... top level managers..." has been cancelled.

<sup>117</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 (repeated), in the last sentence of this subparagraph "... for only one candidate..." was cancelled.

<sup>118</sup> With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 (repeated), in the last sentence of this subparagraph "... for only one candidate..." was cancelled.

The General Assembly of the Justice Academy of Turkey makes an election. In the election where each member can cast (...)119 votes, the candidates who receive the most votes are elected as the principal and substitute members, respectively.

d) Seven regular and four substitute members are elected by the judges and prosecutors of the judiciary from among the judges and prosecutors of the judiciary who are first class and have not lost the qualifications required to be assigned to the first class, under the management and supervision of the Supreme Election Board. The Supreme Election Board announces the candidacy applications within five days from the effective date of this Law. Candidates apply to the Supreme Election Board within three days from the announcement date. The Supreme Election Board examines the applications of the candidates and announces the list of candidates within two days following the end of the application date. An objection can be filed against this list within the next two days. Objections are examined, finalized and the final candidate list is announced within two days following the expiry of the objection period.

Judges and prosecutors working in that province and its districts vote in the elections to be held in each province on the second Sunday following the date when the Supreme Election Board announces the final candidate list, under the management and supervision of the provincial election board. Provincial election boards form ballot box committees based on the number of judges and prosecutors who will vote in that province. Complaints and objections against the actions, measures and decisions of ballot box committees are decided by the provincial election board. Candidates cannot make propaganda; they can only publish their CVs on a dedicated website within the framework of the procedures and principles determined by the Supreme Board of Elections. **(Annulled eleventh sentence: With the Decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87.)** Candidates who receive the most votes in the elections are elected as permanent and substitute members, respectively. Other matters related to the ballot papers to be used are determined by the Supreme Election Board. The Supreme Board of Elections may print the ballot papers itself or, if necessary, through the provincial election boards it deems appropriate. In the elections to be held, the provisions of the Law on Basic Provisions of Elections and Electoral Registers, dated 26/4/1961 and numbered 298, which are not contrary to this paragraph, shall apply.

e) Three regular and two substitute members are elected by the administrative judges and prosecutors, under the management and supervision of the Supreme Election Board, from among the administrative judges and prosecutors who are first class and have not lost the qualifications required to be assigned to the first class. In the provinces where the regional administrative courts are located, in these elections to be held under the management and supervision of the provincial election board, the judges and prosecutors of the administrative judiciary who work in that regional administrative court and in the places within the jurisdiction cast their votes. The provisions of subparagraph (d) are also applied for these elections.

The original members of the High Council of Judges and Prosecutors elected pursuant to subparagraphs (a), (ç), (d) and (e) of the first paragraph begin their duties on the thirtieth day following the effective date of this Law.

On the effective date of this Law, the duties of the permanent and substitute members of the High Council of Judges and Prosecutors from the Court of Cassation and the Council of State continue until the end of the term they were elected. Among the members from the Supreme Court of Appeals, the first paragraph is replaced by those who have completed their term of office.

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<sup>119</sup> *With the decision of the Constitutional Court dated 7/7/2010 and numbered E.: 2010/49, K.: 2010/87 published in the Official Gazette dated 1/8/2010 and numbered 27659 (repeated), in the last sentence of this subparagraph "... for only one candidate..." was cancelled.*

Those elected pursuant to subparagraph (b); Among the members coming from the Council of State, those elected in accordance with subparagraph (c) of the first paragraph, instead of those who have completed their term of office, take office in turn.

Among the members elected in accordance with subparagraphs (b) and (c) of the first paragraph, the term of office of those who take office pursuant to the third paragraph shall expire on the date when the term of office of the other Board members elected pursuant to subparagraphs (a), (ç), (d) and (e) of the first paragraph expires. it melts.

Until the necessary arrangements are made in the relevant laws, the permanent members elected to the High Council of Judges and Prosecutors shall benefit from all the financial and social rights and retirement rights stipulated in the relevant legislation for the head of the chamber of the Court of Cassation. In addition, the permanent members of the Board, other than the Chairman, are paid an additional monthly compensation in the amount to be found by multiplying the indicator number (30000) with the coefficient applied to the civil servants' salaries.

Until the relevant laws are regulated, the High Council of Judges and Prosecutors;

a) Provided that it is not contrary to the provisions of the Constitution, it works as a Board in accordance with the provisions of the current law.

b) In accordance with the second paragraph, within one week from the date on which the original members take office. It convenes under the chairmanship of the Minister and elects a temporary vice-president.

c) It convenes with at least fifteen members and decides with the absolute majority of the total number of members.

ç) Secretariat services are carried out by the Ministry of Justice.

Until the Board inspectors and justice inspectors are appointed, the existing justice inspectors, They work in the capacity of inspector and justice inspector.

The provisions of this article shall apply until the necessary arrangements are made in the relevant laws.

#### **Provisional Article 20 – (Annex: 20/5/2016-6718/1 art.)**

On the date this article was adopted in the Turkish Grand National Assembly; from the authorities authorized to investigate or authorize an investigation or prosecution, from the Office of Chief Public Prosecutor and from the courts; The provisions of the first sentence of the second paragraph of Article 83 of the Constitution shall not be applied to the deputies who have files regarding the lifting of their legislative immunity that have been transferred to the Ministry of Justice, the Prime Ministry, the Presidency of the Turkish Grand National Assembly or the Presidency of the Joint Commission composed of members of the Constitution and Justice commissions.

Within fifteen days from the effective date of this article; Files regarding the abolition of legislative immunity in the Presidency of the Joint Commission composed of members of the Constitution and Justice commissions, the Presidency of the Grand National Assembly of Turkey, the Prime Ministry and the Ministry of Justice are returned to the competent authority for the necessary action.

#### **Provisional Article 21 – (Annex: 21/1/2017-6771/17 art.)**

A) The general elections for the 27th Legislative Period of the Turkish Grand National Assembly and the Presidential elections are held together on 3/11/2019. The duties of the members of the Grand National Assembly of Turkey and the President continue until the election date. In the event that the Assembly decides for an election, the general election of the 27th Legislative Parliament and the Presidential election are held together.

B) Within six months at the latest from the date of publication of this Law, the Grand National Assembly of Turkey makes amendments to the Parliamentary Rules of Procedure and other legal arrangements required by the amendments made by this Law. The changes that are stated to be regulated by a presidential decree are made by the President within six months at the latest from the date of the President's inauguration. is arranged.

C) According to the regulation made in Article 159 of the Constitution, the members of the Council of Judges and Prosecutors are elected within thirty days at the latest and they begin their duties on the fortieth day following the effective date of this Law. Applications are made to the Presidency of the Turkish Grand National Assembly within five days from the effective date of this article. The Presidency sends the applications to the Joint Commission, which is made up of the members of the Constitution and Justice Committees. The Commission appoints three candidates for each membership by a two-thirds majority of the total number of members within ten days. If the election cannot be concluded by a two-thirds majority in the first ballot, the second and third ballots are held; The candidate who receives the votes of three-fifths of the total number of members in these votings is elected. In the event that a three-fifths majority cannot be achieved, the process of selecting members is completed by the method of drawing names from among the candidates twice the number of members to be elected, who received the most votes in the third ballot. The General Assembly of the Grand National Assembly of Turkey completes the election within fifteen days by observing the same procedures and quorums. Existing members of the High Council of Judges and Prosecutors continue their duties until the new members take office and work in accordance with the provisions of the applicable Law during this period. New members work in accordance with the provisions of the current Law, which are not contrary to the Constitution, until the relevant law is amended. Among the members whose term of office has expired and are not re-elected to the Council of Judges and Prosecutors, those elected from among the judges and prosecutors of the judicial judiciary upon their request are elected as members of the Court of Cassation, and those elected from among the judges and prosecutors of the administrative judiciary are elected by the Council of Judges and Prosecutors; Those elected among faculty members and lawyers are appointed as members of the Council of State by the President. In the elections and appointments made in this way, it is not considered whether there are vacant positions or not, and the number of members is added to the positions of the Supreme Court and the Council of State as much as the number of elected and appointed members.

D) From the Military Court of Cassation and the Supreme Military Administrative Court to a member of the Constitutional Court Membership of the elected persons shall continue until their duties are terminated for any reason.

E) As of the effective date of this Law, the Military Court of Cassation, the Supreme Military Administration Court and military courts were abolished.

Within four months from the effective date of this Law; Military Court of Appeals and Military Taking into account the preferences and acquisitions of the President, Chief Prosecutor, Vice President and members of the military judge class of the Supreme Administrative Court, and other military judges (excluding reserve officers);

a) As a judge or prosecutor in the judicial or administrative judiciary by the Council of Judges and Prosecutors they can be appointed.

b) The provisions of the legislation on the date of entry into force of this Law shall not be applied in terms of pensions, additional indicators, allowances, judicial allowances, additional payments, financial, social rights and benefits and other rights of judges and prosecutors who are members of precedent judicial or administrative judiciary, and in terms of rights and obligations other than these. They are appointed by the Ministry of National Defense to the legal services staff of the Ministry or the General Staff in their current classes. Of these, obtaining the right to retirement

The procedures and principles regarding the compensation to be paid to those who will leave these duties voluntarily before the age limit shall be regulated by law.

From the files pending in the abolished military judicial authorities; Those who are at the stage of legal remedy examination are sent to the Supreme Court or the Council of State, depending on their interest, and other files to the competent and authorized judicial or administrative judicial authorities, within four months.

F) Decrees with the force of law, statutes, regulations issued by the Prime Ministry and the Council of Ministers and other regulatory acts in force on the date of entry into force of this Law shall continue to be valid unless they are repealed. Articles 152 and 153 shall continue to be applied regarding the decree laws in force.

G) The powers given to the Prime Ministry and the Council of Ministers by laws and other legislation, It is used by the President until a change in the legislation is made.

H) The provision of the last paragraph of Article 67 of the Constitution shall not be applied for the first general parliamentary elections and the Presidential elections to be held together after the effective date of this Law.

## **SECTION SEVEN**

### ***FINAL PROVISIONS***

*I. Amendment of the Constitution, participation in elections and referendum:*

#### **Article 175 – (Amended: 17/5/1987-3361/3 art.)<sup>120</sup>**

Amendment of the Constitution may be proposed in writing by at least one third of the total number of members of the Turkish Grand National Assembly. Proposals to amend the Constitution are discussed twice in the General Assembly. The adoption of the amendment proposal is possible by secret ballot of three-fifths of the total number of members of the Assembly.

Discussion and acceptance of proposals to amend the Constitution, except for the provisions in this article, are subject to the provisions regarding the discussion and adoption of laws.

The President of the Republic may send back the laws regarding the constitutional amendments to the Turkish Grand National Assembly for further discussion. If the Parliament accepts the returned Law with two-thirds majority of the total number of members, the President may submit this Law to the referendum.

The Law on the Constitutional Amendment, approved by the Assembly with three-fifths or less than two-thirds of the total number of members, is published in the Official Gazette to be submitted to the referendum, unless it is returned to the Assembly by the President.

The law on the constitutional amendment or the articles deemed necessary may be submitted to the referendum by the President, directly or upon the return of the President, with the two-thirds majority of the total number of members of the Assembly. The Law or related articles regarding the constitutional amendment not submitted to the referendum shall be published in the Official Gazette.

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<sup>120</sup> *In accordance with the Law on Submission of Constitutional Amendments No. 3376 dated 25/3/1987, Law No. 3361 of 17/5/1987, published in the Official Gazette dated 18/5/1987 and numbered 19464, to be submitted to the referendum, 6/9/ It was accepted as a result of the referendum held in 1987 and the Supreme Election Board Decision regarding this was published in the Official Gazette dated 12/9/1987 and numbered 19572.*

In order for the laws regarding the constitutional amendments submitted to the referendum to come into force, More than half of the valid votes cast in the referendum must be affirmative.

The Grand National Assembly of Turkey also decides which of the amended provisions of the Constitution will be voted together and which will be voted separately, if this law is submitted to a referendum during the adoption of the laws pertaining to the constitutional amendments.

To ensure participation in the referendum, general and by-elections of the deputy and local general elections. All necessary measures, including fines, shall be taken by law.

## *II. Preamble and side headings* **Article**

**176** – The preamble, which states the basic views and principles on which the Constitution is based, is the Constitution. included in the text.

Article headings only show the subject of the articles they are related to and the order and connection between the articles. These titles are not counted from the text of the Constitution.

## *III. Entry into force of the Constitution*

**Article 177** – This Constitution becomes the Constitution of the Republic of Turkey when it is accepted as a result of the referendum and published in the Official Gazette and enters into force in its entirety, with the exceptions shown below and the provisions regarding the entry into force of these exceptions.

a) PART TWO II. In the department; personal liberty and security, provisions regarding press and publication, rights and freedoms of assembly, III. Provisions related to work, collective bargaining, right to strike and lockout in the section.

However, until these provisions come into force, the existing laws and the declarations and decisions of the National Security Council shall apply.

b) in PART TWO; provisions regarding the right to engage in political activities and political parties, the Law on Political Parties to be prepared on the basis of these;

The right to elect and be elected is the Election Law to be prepared based on these provisions; It enters into force upon its publication. c) in PART THREE; legislative provisions; These provisions enter into force with the announcement of the results of the first parliamentary general election. However, the provisions regarding the duties and powers of the Turkish Grand National Assembly in this section shall be fulfilled by the National Security Council until the Turkish Grand National Assembly takes office, without prejudice to the provisions of the Law No. 2485 on the Constituent Assembly of 29 June 1981.

d) in PART THREE; State with its duties and powers under the title of President  
All provisions related to the judiciary except for the Supervisory Board, the statutes under the title of the Council of Ministers, National Defense, extraordinary administration procedures, local administrations under the title of administration, and the Atatürk High Council of Culture, Language and History, and State Security Courts.

It enters into force with the announcement of its acceptance in the Official Gazette as a result of the referendum. The provisions of the President and the Council of Ministers that do not enter into force shall come into force with the inauguration of the Grand National Assembly of Turkey, and the provisions regarding the local administrations and the State Security Courts shall come into force with the promulgation of the relevant laws.

e) The provisions of the Constitution that will enter into force with the announcement of its adoption by referendum, and if there is a need to make new laws for existing or future institutions, organizations and boards, or to make changes in existing laws, the relevant provisions of the existing laws that are not inconsistent with the Constitution or the provisions of the Constitution directly, in accordance with Article 11 of the Constitution. .

f) The second article of Article 164 regulating the procedure for discussing the final account bills  
The provision of the paragraph will be implemented as of 1984.

#### **PROVISIONS THAT CANNOT BE IMPLEMENTED IN THE LAW NUMBER 2709 DATED 18/10/1982 121**

##### **1- It is the provision of Law No. 4121 dated 23/7/1995.**

**Article 16** – If this Law is submitted to a referendum, Article 1, Articles 2, 3, 13 and 15 together, Article 4, Article 5,

Articles 6, 7 and 14 together,  
Article 8 and the first paragraph of Article 17 are voted together,  
Articles 9 and 10 together, and Article 11 and Article 12 are voted separately.

The referendum is held together with the first general election of the deputy.

##### **2– This is the provision of the Law No. 4446 dated 13/8/1999.**

**Article 4** – This Law enters into force on the date of its publication, and if it is submitted to public voting, Article 1 is voted separately, and Articles 2 and 3 together.

##### **3– These are the provisions of the Law No. 4709 dated 3/10/2001.**

**Provisional Article** – A) The provision added as the last paragraph to Article 67 of the Constitution by Article 24 of this Law shall not be applied in the first general election to be held after the entry into force of this Law.

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<sup>121</sup> *Provisional Articles 18 and Provisional 19, which were added to the Constitution of the Republic of Turkey with Article 6 of Law No. 5678 submitted to the referendum, were removed from the text submitted to the referendum with Law No. 5697 of 16/10/2007.*

B) The amendment made in Article 28 of this Law and Article 87 of the Constitution shall not apply to those who committed the acts in Article 14 of the Constitution before the effective date of this Law.

**Article 35-** This Law enters into force on the date of its publication and is voted in its entirety if it is submitted to a referendum.

**4– This is the provision of the Law No. 4777 dated 27/12/2002.**

**Provisional Article 1-** The last paragraph of Article 67 of the Constitution of the Republic of Turkey, Turkey It does not apply in the first by-election to be held within the 22nd term of the Grand National Assembly.

**Article 3-** This Law enters into force on the date of its publication and if it is submitted to the public vote, it is voted in its entirety.

**5– This is the provision of the Law No. 6771 dated 21/1/2017.**

**ARTICLE 18 –** With this Law, the Constitution;

a) 8, 15, 17, 19, 73, 82, 87, 88, 89, 91, 93, 96, 98, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, 112, In terms of the amendments made to Article 113 and the repeal of the second and third paragraphs of Article 114, the amendments made to Articles 115, 116, 117, 118, 119, 120, 121, 122, 123, 124 and 125 and the last paragraph of Article 127; With the amendments made in Articles 131, 134, 137 and the amendment in the first paragraph of Article 148 and the amendment to the phrase "Members of the Council of Ministers" in the sixth paragraph, 150, 151, 152, 153, second paragraph of Article 155, 161, 162, 163, 164, Amendments made to Articles 166 and 167 and paragraphs (F) and (G) of temporary article 21, on the date the President takes office as a result of the joint Turkish Grand National Assembly and Presidency elections,

b) Amendments made in Articles 75, 77, 101 and 102, the first Turkey to be made together  
On the date of the start of the calendar for the Grand National Assembly and Presidential elections,

c) In terms of the repeal of the phrase "The President-elect is dismissed from his party, if any" in the last paragraph of Article 101 with other amended provisions, it enters into force on the date of its publication and is voted in its entirety if it is submitted to the referendum.



**LEGISLATION BRINGING ADDITIONALS AND AMENDMENTS TO THE LAW NUMBER 2709 OR  
CONSTITUTIONAL COURT DECISIONS  
TABLE SHOWING THE EFFECTIVE DATES**

<b>Amending Law/ Abrogated Constitution Court Decision Its number</b>	<b>Amendment of Law No. 2709/ Canceled Items</b>	<b>Effective Date</b>
<b>3361</b>	67, 75, 175, Provisional Article 4 and Unworkable Provisions	This Law was accepted as a result of the referendum held on 6/9/1987 and the Supreme Election Board Decision on this matter was Officially dated 12/9/1987 and numbered 19572. It was published in the Gazette.
<b>3913</b>	133	10/7/1993
<b>4121</b>	INITIAL clause, 33, 52, 53, 67, 68, 69, 84.85, 93, 127, 135, 149, 171, Unworkable Provision	26/7/1995
	75	From the date of the first parliamentary general election
<b>4388</b>	143	18/6/1999
<b>4446</b>	47, 125, 155, Unprocessable Provisions	14/8/1999
<b>4709</b>	START clause, 13, 14, 19, 20, 21, 22, 23, 26, 28, 31, 33, 34, 36, 38, 40, 41, 46, 49, 51, 55, 65, 66, 67, 69 , 74, 87, 89, 94, 100, 118, 149, Provisional Article 15, Provisions that cannot be processed	17/10/2001
<b>4720</b>	86	1/12/2001
<b>4777</b>	76, 78, Unprocessable Provisions	31/12/2002
<b>5170</b>	10, 15, 17, 30, 38, 87, 87, 90, 131, 143, 160, Unprocessable Provisions 133,	22/5/2004
<b>5370</b>	Unprocessable Provisions 130, 160,	23/6/2005
<b>5428</b>	161, 162, 163, Unprocessable Provision	9/11/2005
<b>5551</b>	76, Unprocessable Provision	17/10/2006
<b>5659</b>	67, Unprocessable Provision	18/5/2007
<b>5678</b>	77, 79, 96, 101, 102, Unprocessable Provision	This Law was accepted as a result of the referendum held on 21/10/2007, and the Supreme Election Board Decision regarding it was Officially published on 31/10/2007 and numbered 26686. It was published in the Gazette.
<b>5735</b>	10, 42, Unworkable Provision 10,	23/2/2008
Constitutional Court	42	22/10/2008



	<p>With the changes in the 6th paragraph, the phrase "Members of the Council of Ministers" in the sixth paragraph is replaced by "Deputies of the President, ministers", 150, 151, 152, 153, second paragraph of article 155, 161, 162, 163, 164, 166, 167, Provisional Article 21 Clauses (F) and (G)</p>	
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